EXPLANATORY MEMORANDUM TO

THE SCHOOL TRAVEL (PUPILS WITH DUAL REGISTRATION) (ENGLAND) (AMENDMENT) REGULATIONS 2025

2025 No. 632

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Catherine McKinnell, Minister of State (Minister for School Standards) at the Department for Education, confirms that this Explanatory Memorandum meets the required standard.

2.2 Matt Collins, Deputy Director for Admissions, School Organisation and Transport Division, at the Department for Education confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The Home to School Travel Team at the Department for Education email: school.travel@education.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This Instrument amends regulation 2(4)(c) of the School Travel (Pupils with Dual Registration) (England) Regulations 2007 (S.I. 2007/1367) (the "2007 Regulations") in order to maintain existing policy. It substitutes the definition of a "child who has no fixed abode" for the purposes of regulation 2(2) and (3) of the 2007 Regulations with a new definition which mirrors the wording of the previous, obsolete definition.

4.2 The previous definition was that a "child who has no fixed abode" meant a child falling within regulation 9(1)(a) of the Education (Pupil Registration) (England) Regulations 2006 (S.I. 2006/1751) (the "2006 Regulations"). The new definition mirrors the wording of regulation 9(1)(a) of the 2006 Regulations, with minor amendments to ensure gender-neutral drafting.

4.3 The amendments made by this Instrument are necessary due to the 2006 Regulations having been revoked by the School Attendance (Pupil Registration) (England) Regulations 2024 (S.I. 2024/208) (the "2024 Regulations").

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdictions which the instrument forms part of the law of) is England and Wales.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England only.

5. Policy Context

What is being done and why?

5.1 Section 508B(1) and (2) (local authorities in England: travel arrangements for eligible children) of, and paragraph 3(1) and (2) of Schedule 35C (school travel schemes) to, the Education Act 1996 (the "1996 Act") make provision about local authorities in England arranging home to school travel for an eligible child in its area for the purpose of facilitating that child's attendance at a relevant educational establishment.

5.2 'Relevant educational establishment' is defined in section 508B(10) of, and paragraph 4(2) of Schedule 35C to, the 1996 Act respectively, as the qualifying school (defined in paragraph 15 of Schedule 35B (meaning of "eligible child" for the purpose of section 508B) to the 1996 Act) at which the child is a registered pupil, or a place other than a school where the child is receiving education by virtue of arrangements made under section 19(1) (exceptional provision of education in pupil referral units or elsewhere: England) of the 1996 Act.

5.3 The School Travel (Pupils with Dual Registration) (England) Regulations 2007 (S.I. 2007/1367) (the "2007 Regulations") modify the application of section 508B(1) and (2) of, and paragraph 3(1) and (2) of Schedule 35C to, the 1996 Act in respect of children who are registered pupils at more than one qualifying school.

5.4 Under regulation 2(2) of the 2007 Regulations, where a child is registered at two qualifying schools other than pupil referral units, or, in the case of a "child who has no fixed abode", is registered at two or more qualifying schools other than pupil referral units, the relevant educational establishment in relation to that child is whichever of the schools the child is attending on the day in question. This ensures that an eligible child continues to receive free travel in circumstances where, for example, they live part of the year in one place and part of the year in another place as a result of their parent's work.

5.5 Under regulation 2(3) of the 2007 Regulations, where a child has no fixed abode, the local authority is required to arrange home to school travel between the child's residence and the nearest school at which the child is registered, so far as is reasonably practicable.

5.6 Regulation 2(4)(c) of the 2007 Regulations defines a "child who has no fixed abode" for the purposes of regulation 2(2) and (3). Prior to this Instrument, a 'child who has no fixed abode' was defined as a child falling within regulation 9(1)(a) of the 2006 Regulations. A child fell within regulation 9(1)(a) of the 2006 Regulations if they had no fixed abode for the reason that their parent was engaged in a trade or business of such nature as to require the child to travel from place to place.

5.7 The 2006 Regulations were revoked by the 2024 Regulations, meaning the definition of a "child who has no fixed abode" on which regulation 2 of the 2007 Regulations relied no longer exists.

What was the previous policy, how is this different?

5.8 This change is purely technical and is necessary to ensure that the 2007 Regulations continue to work as intended. There are no changes to existing home to school travel policy and children's eligibility for free travel will not change as a result of this change.

6. Legislative and Legal Context

How has the law changed?

6.1 This Instrument amends the 2007 Regulations by substituting the definition of a "child who has no fixed abode" in regulation 2(4)(c) with a new definition. The previous definition was that a "child who has no fixed abode" meant a child falling within regulation 9(1)(a) of the 2006 Regulations. The new definition mirrors the wording of regulation 9(1)(a) of the 2006 Regulations, with minor amendments to ensure gender-neutral drafting. This ensures that a "child who has no fixed abode" has the same meaning for the purposes of regulation 2 of the 2007 Regulations as it did under the previous definition.

6.2 The change is purely technical and is necessary to ensure that existing law continues to work as intended.

7. Consultation

Summary of consultation outcome and methodology

7.1 A consultation has not been carried out.

8. Applicable Guidance

8.1 The effect of 2007 Regulations is explained in our statutory guidance (https://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance) and will not need to be amended as a result of this change.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 An Impact Assessment has not been prepared for this instrument because no impact on the private, voluntary of public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 There is no impact on business, charities or voluntary bodies because this instrument maintains existing policy.

9.3 The legislation does not impact small or micro businesses.

9.4 There is no impact on the public sector because this instrument maintains existing policy.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 We will not be monitoring the legislation because it maintains existing policy.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 The Minister for School Standards has made the following statement regarding Human Rights:

"In my view the provisions of The School Travel (Pupils with Dual Registration) (England) (Amendment) Regulations 2025 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").