

## Education; free school transport -- R v Devon County Council ex p G

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For full version of abbreviations click 'Abbreviations' on FB's website.

CA (Lord Donaldson of Lynton MR, Parker and Taylor LJJ): 16 March 1988

The applicant, a child over the age of 8, attending a school within walking distance of his home, applied to the local education authority for free transport under s.55(1) of the Education Act 1944.

In refusing his application the authority stated they were under no duty to provide transport since he lived within the walking distance appropriate to his age and there were no special circumstances which justified its provision.

Mann J dismissed the child's application for judicial review.

The applicant appealed.

Francis Bennion and John Friel (instructed by Teacher Stern Selby) for the applicant.

Conrad Dehn QC and Raymond Cox (instructed by W A Burkinshaw Esq, county solicitor, Exeter) for the local authority.

Lord Donaldson of Lynton MR said that the basic question which the authority had to ask itself under s.55(1) was whether transport arrangements were necessary to facilitate a child's attendance at school, and that in considering the matter s.55(3) directed their attention particularly to the age of the child and the nature of the route which he might reasonably be expected to take.

The means of the parents were not a relevant consideration.

The provisions of s.39(2)(c) only required that no child should walk more than the distances appropriate to his age, and accordingly did not lay down distances within which a child should prima facie be expected to walk to school. The authority had therefore misdirected itself and the application fell to be reconsidered.

Parker and Taylor LJJ agreed.

Appeal allowed.

(WLR)