



# Standards in Scotland's Schools etc. Act 2000

2000 asp 6

## *Pre-school children*

### **32 Provision of education for pre-school children etc.**

- (1) Section 1 of the 1980 Act (which imposes a duty on education authorities to secure the provision of education) shall be amended in accordance with this section.
- (2) In subsection (1), for the word “(2)” there shall be substituted “ (1A) ”.
- (3) After subsection (1) there shall be inserted—
  - “(1A) The duty imposed on education authorities by subsection (1) above shall, in relation to children who are under school age, be exercisable only as respects children of such description or descriptions as may be prescribed by order.
  - (1B) Where an order is made under subsection (1A) above, the amount of school education with which children of a description prescribed in that order are to be provided shall also be prescribed in the order.
  - (1C) An education authority shall have power in relation to pre-school children to secure for their area the provision of such school education, other than that which they are required by subsection (1) above to secure, as they think fit.”.
- (4) Subsection (2) is repealed.
- (5) After subsection (4) there shall be inserted—
  - “(4A) The power to make an order under this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the Scottish Parliament.
  - (4B) In this section “pre-school children” means—
    - (a) children who are under school age and have not commenced attendance at a primary school (other than a nursery class in such a school); and

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- (b) children who have attained school age but have not commenced attendance at such a school.”.

### 33 Fees

- (1) School education provided by virtue of subsections (1) and (1A) of section 1 of the 1980 Act shall be provided without payment of fees.
- (2) An education authority may charge fees for school education provided by virtue of subsection (1C) of that section.
- (3) For the purposes of subsections (1) and (2) above, the school education may be provided—
- (a) in a nursery school;
  - (b) in a nursery class in a school; or
  - (c) in pursuance of arrangements entered into under section 35 of this Act, in some other establishment.
- (4) In section 3 of the 1980 Act (which relates to the charging of fees, in certain cases, for the provision of school education etc.), after subsection (6) there shall be added—
- “(7) This section does not apply as respects the provision of school education by virtue of subsections (1) and (1A), or as the case may be subsection (1C), of section 1 of this Act.”.

### 34 Guidance to education authorities as respects discharge of certain functions

The Scottish Ministers may from time to time give guidance to education authorities as respects the discharge by authorities of—

- (a) their functions under the 1980 Act [<sup>F1</sup> and Part 6 of the Children and Young People (Scotland) Act 2014 ] in relation to the provision of school education for pre-school children;
- (b) in so far as relating to the functions mentioned in paragraph (a) above, any other functions of education authorities under [<sup>F2</sup> those Acts ]; and
- (c) the power conferred by section 33(2) of this Act;

and education authorities shall, in discharging those functions and exercising that power, have regard to any such guidance.

#### Textual Amendments

- F1** Words in s. 34(a) inserted (28.6.2014) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **Sch. 5 para. 7(a)**; S.S.I. 2014/131, art. 2(1)
- F2** Words in s. 34(b) substituted (28.6.2014) by Children and Young People (Scotland) Act 2014 (asp 8), s. 102(3), **Sch. 5 para. 7(b)**; S.S.I. 2014/131, art. 2(1)

### 35 Provision of school education by persons other than education authorities

An education authority may, for the purposes of—

- (a) fulfilling the duty imposed on them by subsections (1) and (1A) of section 1 of the 1980 Act; or
- (b) exercising the power conferred on them by subsection (1C) of that section,

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enter into arrangements with any person for the provision by that person of school education for children who are under school age or, as the case may be, for pre-school children.

### **36 Inspection of establishments other than schools**

In section 66 of the 1980 Act (which makes provision for the inspection of educational establishments), for subsection (1A) there shall be substituted—

“(1A) Without prejudice to subsection (1) above, the Scottish Ministers shall have power to cause inspection to be made at any establishment in which school education is provided in pursuance of arrangements entered into under section 35 of the Standards in Scotland's Schools etc. Act 2000 (asp 6); and such inspections shall be made by Her Majesty's Inspectors or any person appointed by the Scottish Ministers for the purposes of this section (or Her Majesty's Inspectors and any such person).”.

### **37 Provision of transport etc. by education authority**

(1) Where, by virtue of subsections (1) and (1A), or as the case may be subsection (1C), of section 1 of the 1980 Act, children are attending—

- (a) a nursery school;
- (b) a nursery class in a school; or
- (c) any establishment which, though not a school, provides school education in pursuance of arrangements made under section 35 of this Act,

an education authority may make such arrangements in relation to those children as the authority think fit for the provision of any of the facilities mentioned in subsection (2) below; and any such arrangements may, in respect of any child, make provision for more than one of those facilities.

(2) The facilities are—

- (a) the conveyance of children without charge for the whole or part of the journey between their homes and the schools or other establishments which they are attending;
- (b) the making available (on such terms as may be agreed) of bicycles or other suitable means of transport to parents of children for the purpose of conveying the children between their homes and the schools or other establishments which they are attending, or, instead, the payment of money allowances;
- (c) the payment of the whole or any part, as the authority think fit, of the reasonable travelling expenses of children.

(3) In section 51 of the 1980 Act (which relates to the provision of transport and other facilities by education authorities), after subsection (3) there shall be added—

“(4) In this section “school” does not include a nursery school or a nursery class in a school.”.

### **38 Admission of children under school age to primary school**

(1) Where a parent of a child who is under school age requests the education authority for the area in which the parent is ordinarily resident to admit the child to a class, other than a nursery class, in a primary school under the management of that authority, the

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authority shall, if the school education normally provided in such a class is suited to the ability and aptitude of the child, admit the child to such a class.

- (2) Subsection (1) above is without prejudice to any other power or duty of the education authority.

### **39 Repeal of Part II of Education (Scotland) Act 1996**

Part II of the Education (Scotland) Act 1996 (c.43) (which makes provision as respects the funding of education for children who are under school age etc.) is repealed.

**Changes to legislation:**

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