
STATUTORY INSTRUMENTS

1996 No. 353

EDUCATION, ENGLAND AND WALES

**The Education (Grants for Nursery
Education) (England) Regulations 1996**

<i>Made</i>	- - - -	<i>15th February 1996</i>
<i>Laid before Parliament</i>		<i>26th February 1996</i>
<i>Coming into force</i>	- -	<i>1st April 1996</i>

In exercise of the powers conferred by sections 100(1)(b) and (3) and 111A of the Education Act 1944⁽¹⁾ and vested in the Secretary of State⁽²⁾, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (Grants for Nursery Education) (England) Regulations 1996 and shall come into force on 1st April 1996.

(2) In these Regulations—

“approved expenditure” means expenditure which is approved by the Secretary of State for the purposes of the payment of grant;

“financial year” means a period of 12 months ending with 31st March;

“grant” means a grant in pursuance of these Regulations;

“nursery education” means education which is provided for a child who has attained the age of four and is provided at any time preceding his first school term starting after his fifth birthday (or, if he does not attend school, before the latest time at which he might reasonably have been expected to have begun to attend school if he had attended school).

Grants for nursery education

2.—(1) Subject to paragraph (2), the Secretary of State may pay grants to persons other than local education authorities in respect of approved expenditure incurred or to be incurred by them for the purposes of or in connection with the provision by them of nursery education during the financial year ending in 1997.

(1) 1944 c. 31. Section 100(1)(b) was amended by section 213(3) of the Education Reform Act 1988 (c. 40). Section 111A was inserted by section 229 of that Act.

(2) S.I.1964/490, 1970/1536, 1978/274.

(2) Grants under paragraph (1) may be paid only in respect of nursery education provided in any of the following areas—

- The City of Westminster;
- The County of Norfolk;
- The London Borough of Wandsworth; and
- The Royal Borough of Kensington and Chelsea.

Rate of grant

3. Any grant may be of an amount equal to the approved expenditure to which it relates or of a lesser amount determined by the Secretary of State.

Payment of grant

4. Payments of grant shall be made at such times, in such instalments and in such manner as the Secretary of State thinks appropriate.

Requirements

5.—(1) The persons to whom payments of grant are made shall comply with such requirements (including requirements as to the repayment of grant) as may be specified by the Secretary of State in the case in question.

(2) Without prejudice to the generality of paragraph (1), the persons to whom payments of grant are made shall—

- (a) keep such records and accounts and furnish to the Secretary of State such information, documents, returns and accounts as the Secretary of State may from time to time require;
- (b) open to the inspection of the Comptroller and Auditor General or any person authorised by the Secretary of State for the purpose the records and accounts kept pursuant to the requirement imposed under sub-paragraph (a) above;
- (c) where grant has been paid in respect of expenditure to be incurred and the expenditure or part of it is not incurred, repay on application made in that behalf by the Secretary of State the grant paid or the proportionate part thereof;
- (d) open or cause to be opened to inspection by a person authorised by the Secretary of State for the purpose any premises at which nursery education in respect of which the payments of grant are made is provided and afford to the inspector all the facilities he requires for making his inspection;
- (e) make available to any person requiring it such information relating to nursery education in respect of which the payments of grant are made as the Secretary of State may from time to time require; and
- (f) secure that no child for whom nursery education in respect of which the payments of grant are made is provided is given corporal punishment by any person employed in, or in connection with, the provision of such education.

(3) Subject to paragraph (4), the reference in paragraph (2)(f) to giving corporal punishment is a reference to doing anything for the purposes of punishing the child concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.

(4) A person is not to be taken for the purposes of paragraph (2)(f) as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to property of, any person (including the child concerned).

Department for Education and Employment
15th February 1996

Robin Squire
Parliamentary Under Secretary of State,

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable the Secretary of State to pay grants to persons other than local education authorities in respect of expenditure incurred or to be incurred for or in connection with the provision of nursery education in the areas listed in regulation 2(2) during the financial year 1996–97. The local education authorities for those areas have chosen to participate in funding arrangements relating to nursery education for four year olds which do not apply to other local education authorities.