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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Article 3(1) of this Order brings into force sections 32, 33, 34, 35, 36 and 37 of the Standards in Scotland's Schools etc. Act 2000 ("the Act") on 26th February 2002.

Section 32 of the Act imposes a duty on the education authority regarding nursery provision, requiring it to secure the provision of pre-school education for categories of children as may be prescribed by the Scottish Ministers.

Section 33 prevents an education authority from charging fees in respect of pre-school provision required by statute. However, where the provision goes beyond that required by statutory duty the education authority may charge fees.

Section 34 gives Scottish Ministers the power to issue guidance to education authorities about their functions in relation to pre-school education.

Section 35 allows education authorities to secure pre-school provision by entering into arrangement with other persons.

Section 36 substitutes a new section 66(1A) of the Education (Scotland) Act 1980 (c. 44), giving Scottish Ministers the power to require inspection of all establishments that provide publicly funded school education to pre-school children.

Section 37 gives education authorities the power to make arrangements for children receiving publicly-funded pre-school education to receive transport from home to their pre-school class.

Article 3(2) of this Order brings into force section 39 (repeal of Part II of the Education (Scotland) Act 1996) of the Act on 1st April 2002. It repeals the power of Scottish Ministers to make grants for the education of children under school age.