

2014 No. 132

EDUCATION

The Children and Young People (Scotland) Act 2014 (Ancillary Provision) Order 2014

<i>Made</i>	- - - -	<i>15th May 2014</i>
<i>Laid before the Scottish Parliament</i>		<i>19th May 2014</i>
<i>Coming into force</i>	- -	<i>28th June 2014</i>

The Scottish Ministers make the following order in exercise of the powers conferred on them by section 101 of the Children and Young People (Scotland) Act 2014(a), and of all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Children and Young People (Scotland) Act 2014 (Ancillary Provision) Order 2014 and comes into force on 28th June 2014.

(2) In this Order—

“education authority”, “nursery classes” and “nursery schools” have the meanings given in section 135(1) of the 1980 Act(b);

“relevant proposal” has the meaning given by section 2(1)(a) of the 2010 Act;

“the 2010 Act” means the Schools (Consultation) (Scotland) Act 2010(c); and

“the 2014 Act” means the Children and Young People (Scotland) Act 2014.

Disapplication of the obligations in the 2010 Act

2.—(1) Paragraph (2) applies where an education authority requires to establish a nursery school or a nursery class for eligible pre-school children within the meaning of section 47(2) of the 2014 Act.

(2) The obligations imposed on an education authority under the 2010 Act are disapplied in relation to a relevant proposal specified in column 1 of the Schedule to this Order to the extent specified in column 2 of that Schedule.

Expiry of Order and saving

3.—(1) This Order ceases to have effect on 31st March 2017.

(a) 2014 asp 8.

(b) 1980 c.44. Section 135(1) of the 1980 Act was relevantly amended by the Local Government etc. (Scotland) Act 1994 (c.39), Schedule 13, paragraph 118(9) and paragraph 2(6) of schedule 5 to the 2014 Act.

(c) 2010 asp 2.

(2) Despite paragraph (1), this Order continues to have effect in relation to a decision made by an education authority before 31st March 2017 to establish a nursery school or a nursery class.

St Andrew's House,
Edinburgh
15th May 2014

MICHAEL RUSSELL
A member of the Scottish Government

SCHEDULE

Article 2(2)

Disapplication of obligations in the 2010 Act in relation to certain relevant proposals

<i>Column 1</i>	<i>Column 2</i>
<i>Relevant proposal</i>	<i>Extent</i>
A relevant proposal specified under paragraph 2(a) of schedule 1 to the 2010 Act	Only to the extent that the relevant proposal is to establish a nursery school
A relevant proposal specified under paragraph 2(b) of schedule 1 to the 2010 Act	Only to the extent that the relevant proposal is to establish a nursery class

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes supplementary, transitory and saving provision which the Scottish Ministers consider to be appropriate for the purposes of giving full effect to the provisions in the Children and Young People (Scotland) Act 2014 (asp 8) (“the 2014 Act”).

Section 47(1) of the 2014 Act requires an education authority, in pursuance of its duty under section 1(1) (duty to secure for their area adequate and efficient school education) of the Education (Scotland) Act 1980 (c.44) (“the 1980 Act”), to secure that the mandatory amount of early learning and childcare is made available for each eligible pre-school child belonging to its area. Article 2 of the Order provides that where an education authority requires to establish a nursery school or nursery class for such eligible pre-school children, the obligations of the Schools (Consultation) (Scotland) Act 2010 (asp 8) (“the 2010 Act”) are disapplied in relation to certain relevant proposals specified in the Schedule to the Order.

Those relevant proposals are a proposal to establish a new school but only to the extent that the relevant proposal is to establish a nursery school and also a proposal to establish a new stage of education in a school but only to the extent that the relevant proposal is to establish a nursery class.

Article 3 provides that the Order ceases to have effect on 31st March 2017 but continues to apply where a decision is made by an education authority before 31st March 2017 to establish a nursery school or a nursery class. The effect is that the requirements of the 2010 Act continue to be disapplied in relation to those decisions.

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