



Nursery Education and Grant-Maintained Schools Act 1996

1996 CHAPTER 50

Grants in respect of nursery education

1 Arrangements for making grants

- (1) The Secretary of State may make arrangements for the making of grants in respect of nursery education.
- (2) For the purposes of this Act “nursery education” is education provided for children (whether at schools or other premises)—
 - (a) before their first school term starting after they have attained the age of five years (or, if they do not attend school, before such broadly corresponding time as may be prescribed), but
 - (b) after such earlier time as may be prescribed (whether by reference to their having attained a particular age or any other circumstances).
- (3) Grants may be made under arrangements under this section—
 - (a) to local education authorities in respect of nursery education provided at schools maintained by them, and
 - (b) to authorities and other persons of such descriptions as may be prescribed in respect of nursery education provided by them.
- (4) The amount of a grant made under arrangements under this section shall be determined in such manner as may be prescribed; and regulations may, in particular, provide for the determination to be made by reference to an amount (or amounts) specified for the purpose by the Secretary of State.
- (5) The times at which, and the manner in which, grants made under arrangements under this section are paid shall be such as may be determined by the arrangements.
- (6) Nothing shall be taken to prevent, or to afford any right of appeal against, a refusal by any authority or person to provide (or continue to provide) a child with a place for nursery education at a maintained school if the reason for the refusal is that a relevant

condition has not been complied with in relation to the child; and this subsection applies even if the child has been provided with, or offered, a place at the school before the commencement of this subsection.

In this subsection—

- (a) “a maintained school” means a school maintained by a local education authority, a grant-maintained school or a grant-maintained special school, and
- (b) “a relevant condition” means a prescribed condition designed to facilitate the determination of the amount of grants payable under arrangements under this section.

- (7) This section does not affect any power of the Secretary of State to make grants in respect of nursery education under any other enactment.

2 Delegation

- (1) Arrangements under section 1 may provide for grants to be made, or other functions relating to grants to be exercised, otherwise than by the Secretary of State.
- (2) Arrangements under section 1 which so provide may make provision for the functions concerned to be so exercised—
 - (a) either wholly or to such extent as may be specified in the arrangements, and
 - (b) either generally or in such cases or circumstances as may be so specified,but shall not prevent the functions concerned from being exercised by the Secretary of State.

3 Requirements

- (1) An authority or other person to whom a grant is made under arrangements under section 1 shall comply with such requirements as may be imposed by or in accordance with the arrangements.
- (2) Such requirements—
 - (a) may be imposed on, or at any time after, the making of any grant by reference to which they are imposed, and
 - (b) may at any time be varied, waived or removed.
- (3) Such requirements may in particular, if any specified conditions are satisfied, require the repayment of the whole or any part of any grant to which they relate.

4 Children with special educational needs

- (1) It shall be the duty of—
 - (a) any authority or other person providing funded nursery education, and
 - (b) any person employed by such an authority or other person in the provision of such education,(except where a duty is already imposed by subsection (2) of section 157 of the Education Act 1993) to have regard to the provisions of the code of practice issued under that section (practical guidance in respect of the discharge of functions under Part III of that Act).

- (2) That code of practice may include practical guidance in respect of the provision of funded nursery education for children with special educational needs in circumstances where functions under Part III of the Education Act 1993 do not fall to be discharged.
- (3) But unless that code of practice includes provision made by virtue of subsection (2)—
 - (a) the Secretary of State shall publish a document explaining how the practical guidance contained in that code applies in circumstances where functions under Part III of the Education Act 1993 do not fall to be discharged, and
 - (b) the duty imposed by subsection (1) includes a duty to have regard to the provisions of that document.
- (4) In this section “funded nursery education” means nursery education in respect of which the Secretary of State is making (or is to make) grants under arrangements under section 1.

5 Inspections

Schedule 1 (nursery education grants: inspections etc.) shall have effect.

6 Disclosure of information

Schedule 2 (nursery education grants: disclosure of information) shall have effect.