



School Standards and Framework Act 1998

1998 CHAPTER 31

PART V

NURSERY EDUCATION

General duty of ^[F1]local authority

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))

118 Duty of ^[F1]local authority as respects availability of nursery education.

- (1) A ^[F1]local authority^[F2]in Wales shall secure that the provision (whether or not by them) of nursery education for children who—
- (a) have not attained compulsory school age, but
 - (b) have attained such age as may be prescribed,
- is sufficient for their area.
- (2) In determining for the purposes of subsection (1) whether the provision of such education is sufficient for their area a ^[F1]local authority—
- (a) may have regard to any facilities which they expect to be available outside their area for providing such education; and
 - (b) shall have regard to any guidance given from time to time by ^[F3]the National Assembly for Wales].

Changes to legislation: School Standards and Framework Act 1998, Cross Heading: General duty of local authority is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F2** Words in s. 118(1) inserted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 30\(a\)](#); [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))
- F3** Words in s. 118(2)(b) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 30\(b\)](#); [S.I. 2008/2261](#), art. 2 (with [Sch. 1](#))

[^{F4}118A Duties of [^{F1}local authority] in respect of childcare

- [^{F5}(1) A [^{F1}local authority] shall review annually the sufficiency of childcare provision for their area.
- (2) In carrying out a review for the purposes of subsection (1), a [^{F1}local authority]—
- (a) may have regard to any facilities which they expect to be available outside their area for providing childcare; and
 - (b) shall have regard to any guidance given from time to time by the Secretary of State.
- (3) A [^{F1}local authority] shall also establish and maintain a service providing information to the public relating to the provision of childcare and related services in their area.
- (4) In relation to the function, form and content of a service established and maintained under subsection (3), a [^{F1}local authority] shall have regard to any guidance given from time to time by the Secretary of State.]]

Textual Amendments

- F4** S. 118A inserted (1.10.2002 for E. and 31.3.2003 for W.) by [Education Act 2002 \(c. 32\)](#), [ss. 149\(1\), 216](#) (with [ss. 210\(8\), 214\(4\)](#)); [S.I. 2002/2439](#), [art. 3](#) (with [Sch.](#)); [S.I. 2002/3185](#), [art. 5](#), [Sch. Pt. II](#)
- F5** S. 118A repealed (1.4.2007 for E.) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 31](#), [Sch. 3 Pt. 2](#); [S.I. 2007/1019](#), art. 3

Changes to legislation:

School Standards and Framework Act 1998, Cross Heading: General duty of local authority is up to date with all changes known to be in force on or before 26 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to legislation.gov.uk - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)