
STATUTORY INSTRUMENTS

1996 No. 2086

EDUCATION, ENGLAND AND WALES

The Nursery Education Regulations 1996

<i>Made</i>	- - - -	<i>8th August 1996</i>
<i>Laid before Parliament</i>		<i>9th August 1996</i>
<i>Coming into force</i>	- -	<i>1st September 1996</i>

In exercise of the powers conferred on the Secretary of State by sections 1 and 8(4)(a) of, and paragraph 13 of Schedule 1 and paragraph 1(2) of Schedule 2 to, the Nursery Education and Grant-maintained Schools Act 1996⁽¹⁾, the Secretary of State for Education and Employment, as respects England, and the Secretary of State for Wales, as respects Wales, hereby make the following Regulations:

Citation, commencement and interpretation

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

(2) In these Regulations—

“the Act” means the Nursery Education and Grant-maintained Schools Act 1996;

“grant” means a grant made under arrangements under section 1 of the Act;

“grant period” has the meaning given in regulation 4(1);

“instrument” means a document or other thing provided initially to a parent under any arrangements made under section 1 of the Act for the purpose of determining the amount of grant payable to any authority or person by the Secretary of State (or where the arrangements so provide by any other person exercising functions relating to grants); and

“parent” includes any person seeking the provision of nursery education for a child.

Nursery education

2.—(1) For the purposes of section 1(2)(a) of the Act there is prescribed, as the time before which education provided for a child who does not attend school is nursery education, the beginning of—

(a) the first term after he has attained the age of 5 years at county schools maintained by the local education authority in whose area he ordinarily resides; or

(1) 1996 c. 50. For the meaning of “prescribed” see section 8(1).

- (b) where the same term at such schools begins on different dates, the earliest term to begin after he has attained that age at any such school.

(2) For the purposes of section 1(2)(b) of the Act in relation to education provided in the London Boroughs of Kensington and Chelsea, Wandsworth and Westminster and in Norfolk only there is prescribed, as the time after which education provided for a child is nursery education, the time immediately preceding the beginning of—

- (a) his first school term starting after he has attained the age of 4 years; or
 - (b) where he attends school and attains that age on or after the first day of the first term to begin after the end of July 1996 (but not later than the qualifying date for that term referred to in paragraph (3)), that term.
- (a) (3) (a) The qualifying date referred to in paragraph (2) for the London Boroughs of Kensington and Chelsea, Wandsworth and Westminster is 31st August 1996.
- (b) The qualifying date referred to in paragraph (2) for Norfolk is 9th September 1996.

(4) Where education is provided for a child otherwise than at a school, paragraph (2) shall apply as if—

- (a) the references to terms were references to any continuous periods of at least 12 weeks (ignoring any interruption of 1 week or less) in which education is provided for the child and which includes any of the dates referred to in paragraph (3); and
- (b) the reference in paragraph (2)(b) to his attending school were omitted.

Recipients of grant

3. Grants may be made (in addition to grants made to local education authorities under section 1(3)(a) of the Act) to—

- (a) local authorities which provide day care under section 18 of the Children Act 1989(2);
- (b) persons registered by a local authority under section 71(1)(b) of that Act (persons providing day care for children under 8 on non-domestic premises) or who would be required to be so registered if that Act applied to the Crown;
- (c) proprietors of independent schools to whom the Secretary of State has given notice of final registration of the school under section 70(1) of the Education Act 1944(3);
- (d) proprietors of independent schools the registration of which under that section is provisional, being schools providing nursery education for children with statements of special educational needs with the consent of the Secretary of State under section 189(5)(b) of the Education Act 1993(4) or with the approval of the authority by which the statements are maintained; and
- (e) proprietors of special schools not being maintained or grant-maintained special schools.

Amount of grant

4.—(1) In this regulation—

- “grant period” means a period referred to in paragraph (2) or paragraph (3) (as the case may be);
- “session” means any period during which nursery education is provided on any one day disregarding any break of less than one hour; and

(2) 1989 c. 41.

(3) 1944 c. 31. For the transfer of functions to the Secretary of State see, S.I.1964/490, 1970/1536 and 1995/2986.

(4) 1993 c. 35.

“unit amount” means an amount specified by the Secretary of State for the purpose of determining grants.

(2) Where the nursery education in respect of which a grant is made is provided at a school, the amount of the grant shall be determined in respect of a period comprising half a term.

(3) Where the nursery education in respect of which a grant is made is provided otherwise than at a school, the amount of the grant shall be determined in respect of a period which is equivalent, or approximates, to half a school term.

(4) Subject to paragraphs (6), (7) and (8), the amount of a grant made to a local education authority for any grant period in respect of nursery education provided at schools maintained by them shall be the amount obtained by multiplying the unit amount by the number of children for whom nursery education places are provided at such schools for that period.

(5) Subject to paragraphs (4), (6), (7) and (8), the amount of a grant made to an authority or person for any grant period shall be the amount obtained by multiplying the unit amount by the number of children for whom nursery education places are provided by the authority or person for that period.

(6) Where the nursery education place provided for any child for a grant period is provided for fewer than five sessions per week, that child shall be left out of account for the purposes of determining an amount of grant under paragraph (4) or (5) (as the case may be), and there shall be added to the amount of grant determined under that paragraph an amount in respect of the child obtained by applying the following formula—

$$A \times \frac{S}{5}$$

where—

A is the unit amount; and

S is the number of sessions per week for which a nursery education place is provided for the child (or, if a different number of sessions is provided in different weeks, the highest such number).

(7) Where a nursery education place begins to be provided for a child after the beginning of a grant period or ceases to be so provided before the end of such a period, the preceding paragraphs of this regulation shall apply as if the place had begun to be provided at the beginning of the period or (as the case may be) had continued to be provided until the end of the period.

(8) For the purposes of determining the amount of grant under paragraphs (4) and (5) there shall be left out of account any child in respect of whom the authority or person seeking grant fails to produce an instrument.

Relevant condition of provision of nursery education at maintained schools

5.—(1) In this regulation “grant period” has the meaning given to it in regulation 4(1).

(2) It shall be a condition, for the purposes of section 1(6) of the Act, that a parent to whom an instrument is provided furnishes that instrument to the authority or person by whom he seeks the provision of nursery education no later than the beginning of the grant period for which the education is sought.

Social security information

6.—(1) The information specified in paragraph (2) shall constitute information of a prescribed description for the purposes of paragraph 1(2) of Schedule 2 to the Act.

(2) The information specified for the purposes of paragraph (1) shall be any information supplied to the Secretary of State in connection with a claim for, or in connection with the adjudication of

a claim for, child benefit pursuant to Part IX of the Social Security Contributions and Benefits Act 1992⁽⁵⁾ and in particular—

- (a) the name, address and date of birth of the child or of each child in respect of whom child benefit is claimed; and
- (b) the name and address of the person by whom the claim for child benefit is made.

Inspection reports

7.—(1) For the purposes of paragraph 13(1) of Schedule 1 to the Act there is prescribed, as the period within which a report of an inspection under paragraph 6 of that Schedule is to be made, 10 days beginning on the day following that on which the inspection is completed, or within a further five days where it is necessary to provide a translation of the report into Welsh or into English.

(2) For the purposes of calculating the period prescribed by paragraph (1) no account shall be taken of Saturday, Sunday, Good Friday and Christmas Day or any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽⁶⁾.

(3) For the purposes of paragraph 13(2) of Schedule 1 to the Act there are prescribed, as the authorities and persons to whom a copy of a report of an inspection shall be sent—

- (a) in the case of nursery education provided at a school maintained by a local education authority, the head teacher of the school, (except in the case of a nursery school) the school's governing body and the local education authority;
- (b) in the case of nursery education provided at a school having foundation governors, the person who appoints them;
- (c) in the case of nursery education provided at a school whose instrument of government names a person as sponsor, that person;
- (d) in the case of nursery education provided at an independent school, the head teacher of the school, the proprietors of the school, the Registrar of Independent Schools for England (if the school is in England) or the Registrar of Independent Schools for Wales (if the school is in Wales)⁽⁷⁾ and, where the school is approved by the Secretary of State under section 189(1) of the Education Act 1993 (approval of independent schools for children with statements), the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school;
- (e) in the case of nursery education provided at a special school which is not a maintained or grant-maintained special school, the head teacher of the school, the proprietors of the school and the funding authority, or any local education authority, if the authority are paying fees in respect of the attendance of a registered pupil at the school;
- (f) in the case of nursery education provided by a local authority under section 18 of the Children Act 1989, the local authority and the person in charge of the place at which the education is provided;
- (g) in the case of nursery education provided by a person registered by a local authority under section 71(1)(b) of the Children Act 1989, that person and the registering authority; and
- (h) in the case of nursery education provided by a person who would be required to be so registered if that Act applied to the Crown, that person and the Secretary of State.

⁽⁵⁾ 1992 c. 4.

⁽⁶⁾ 1971 c. 80.

⁽⁷⁾ For the appointment of separate Registrars for England and for Wales see S.I. [1970/1536](#) and [1995/2986](#).

8th August 1996

Robin Squire
Parliamentary Under Secretary of State,
Department for Education and Employment

8th August 1996

William Hague
Secretary of State for Wales

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 prescribe matters relating to the making of grants in respect of nursery education and the inspection of funded nursery education for the purposes of the Nursery Education and Grant-maintained Schools Act 1996. They prescribe—

(a) the time before which education provided for a child who does not attend school is nursery education and the time after which education provided for a child is nursery education (*regulation 2*);

(b) the authorities and persons to whom grants in respect of nursery education may be made (*regulation 3*);

(c) the method of calculating the amount of grant to be paid in respect of the provision of nursery education (*regulation 4*);

(d) a relevant condition (for the purposes of section 1(b) of the Act) failure to comply with which may lead to a refusal to provide (or continue to provide) a nursery education place at a school maintained by a local education authority or at a grant-maintained or grant-maintained special school (*regulation 5*);

(e) information relating to a claim for (or the adjudication of a claim for) child benefit, as information constituting “social security information” for the purposes of Schedule 2 to the Act; and

(f) the period within which a report of an inspection of funded nursery education is to be made and the authorities and persons to whom copies of such a report must be sent (*regulation 7*).