
STATUTORY INSTRUMENTS

1997 No. 2006

The Nursery Education (Amendment) (No. 2) Regulations 1997

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Nursery Education (Amendment) (No. 2) Regulations 1997 and, save in respect of regulation 2(1), shall come into force on 1st September 1997.

(2) Regulation 2(1) shall come into force on 21st August 1997.

(3) In these Regulations—

“the 1997 Regulations (England)” means the Nursery Education (Amendment) Regulations 1997 made on 8th August 1997 in respect of nursery education in England⁽¹⁾;

“the amending Regulations” means the Nursery Education (Amendment) Regulations 1996⁽²⁾;

“the principal Regulations” means the Nursery Education Regulations 1996⁽³⁾.

Revocation of 1997 Regulations (England), amendment of the principal Regulations and transitional provisions

2.—(1) The 1997 Regulations (England) are revoked.

(2) Subject to paragraph (3), the principal Regulations shall be amended in accordance with the following regulations.

(3) The amendments to the principal Regulations made by these regulations shall not have effect in any case affecting the determination of grant in so far as it relates to the provision of nursery education in England at any time before 1st September 1997.

Amount of grant

3.—(1) Regulation 4 of the principal Regulations shall cease to have effect in England.

(2) After regulation 4A⁽⁴⁾ of the principal Regulations there shall be inserted the following:

“**4B.**—(1) Paragraphs (2) to (7) apply in England for the purposes of regulation 4C.

(2) The following expressions have the following meanings—

“allowable unit cost” means the average cost per child to the provider of the nursery education of making that provision during the grant period in relation to the children to whom the nursery education is provided during that period;

“grant period” means a period referred to in paragraph (3) or paragraph (4) (as the case may be);

(1) S.I. 1997/1971.

(2) S.I. 1996/3117.

(3) S.I. 1996/2086: in England and Wales the relevant amending instrument is S.I. 1996/3117, S.I. 1996/2086 has also been amended in respect of Wales by S.I. 1997/1954.

(4) Regulation 4A is inserted by S.I. 1997/1954 and affects only nursery education provision in Wales.

“session” means any period during which nursery education is provided on any one day disregarding any break of less than one hour; and

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

(3) Subject to paragraph (5), 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 a term.

(4) Subject to paragraph (5), 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 a school term.

(5) Where, in the case of any child, the nursery education in respect of which a grant is made either—

(a) commences to be provided after the beginning, or

(b) ceases to be provided before the end,

of, in a case to which paragraph (3) applies, the school half term, or, in a case to which paragraph (4) applies, that period which is equivalent, or approximates, to the school half term, paragraph (3) or, as the case may be, paragraph (4) shall in that case be read as if for the words “a term” or, as the case may be, “a school term” there were substituted “half a term” or, as the case may be, “half a school term”.

(6) Subject to paragraph (5), 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.

(7) Where the nursery education place provided for any child for a grant period is provided for fewer than five sessions per week, for the purposes of determining the number of children to whom nursery education places are provided (other than in the case of regulation 4C(4)(a)) that child shall count towards that number to the extent obtained by applying the following formula—

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

where

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

4C.—(1) This regulation applies for the purpose of determining the amount of grant to be made in respect of the provision of nursery education in England.

(2) 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.

(3) The amount of a grant made to an authority for any grant period in respect of nursery education provided by them (other than provision in respect of which grant is made under paragraph (2)) shall be the amount obtained by multiplying the unit amount by the number of children for whom nursery education places are so provided for that period.

(4) The amount of a grant made to a person (other than an authority or a local education authority) for any grant period in respect of nursery education provided by that person in respect of those children referred to in paragraph (6) shall be the lesser of

- (a) the amount obtained by multiplying the allowable unit cost by the number of those children for whom nursery education places are so provided by that person for that period; and
- (b) the amount obtained by multiplying the unit amount by the number of those children for whom nursery education places are so provided by that person for that period.

(5) Subject to paragraph (7), the amount of a grant made to a person (other than an authority or a local education authority) for any grant period in respect of nursery education provided by that person to children not being children referred to in paragraph (6) shall be the amount obtained by multiplying the unit amount by the number of those children for whom nursery education places are so provided by that person for that period.

(6) The children to which this paragraph refers are children resident during the grant period in one of the areas listed in the Schedule to these Regulations.

(7) For the purposes of determining the amount of grant under paragraph (5) there shall be left out of account any child in respect of whom the person claiming grant fails to produce an instrument.”

Removal of relevant condition of provision of nursery education at maintained schools

4. Regulation 5 of the principal Regulations shall cease to have effect in respect of the provision of nursery education in England.

Inspection reports

5. In paragraph (1) of regulation 7 of the principal Regulations (as amended by regulation 5(1) of the amending Regulations), as it applies to the making of reports on inspections of nursery education provided at premises in England, for “15 days” there shall be substituted “25 days”.

Areas referred to in regulation 4 of the principal Regulations

6. The Schedule to these regulations shall have effect as a Schedule to the principal Regulations.

Signed by authority of the Secretary of State

18th August 1997

Alan Howarth
Parliamentary Under Secretary of State,
Department for Education and Employment