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STATUTORY INSTRUMENTS

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**1997 No. 2006**

**EDUCATION, ENGLAND AND WALES**

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

<i>Made</i>	- - - -	<i>18th August 1997</i>
<i>Laid before Parliament</i>		<i>19th August 1997</i>
<i>Coming into force</i>		
<i>Regulation 2(1)</i>		<i>21st August 1997</i>
<i>Remainder</i>		<i>1st September 1997</i>

In exercise of the powers conferred on the Secretary of State by sections 1 and 8(4) of, and paragraph 13 of Schedule 1 to, the Nursery Education and Grant Maintained Schools Act 1996<sup>(1)</sup>, the Secretary of State for Education and Employment hereby makes the following Regulations:

**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<sup>(2)</sup>;

“the amending Regulations” means the Nursery Education (Amendment) Regulations 1996<sup>(3)</sup>;

“the principal Regulations” means the Nursery Education Regulations 1996<sup>(4)</sup>.

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

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

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(1) 1996 c. 50.

(2) S.I. 1997/1971.

(3) S.I. 1996/3117.

(4) 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.

(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(5) 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);

“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

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

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”.

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*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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**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

## SCHEDULE

Regulations 6

### LIST OF AREAS FOR THE PURPOSES OF REGULATION 4C OF THE PRINCIPAL REGULATIONS

The areas referred to in regulation 4C(6) of the principal Regulations are the following local government areas, within the meaning of section 28(1) of the Local Government Act 1992<sup>(6)</sup>, namely

Bedfordshire  
Bexley  
Birmingham  
Bolton  
Bournemouth  
Bradford  
City of Bristol  
Bury  
Calderdale  
Cambridgeshire  
Camden  
Cheshire  
Cornwall  
County Durham  
Coventry  
Croydon  
Cumbria  
Darlington  
Doncaster  
Dorset  
Dudley  
Ealing  
Gloucestershire  
Greenwich  
Hackney  
Hammersmith and Fulham  
Hampshire  
Haringey  
Hartlepool  
Hertfordshire  
Hounslow  
Isle of Wight  
Isles of Scilly

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(6) 1992 c. 19.

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Royal Borough of Kingston upon Thames

Kirklees

Knowsley

Lancashire

Leeds

Lewisham

Lincolnshire

Liverpool

Manchester

Merton

Middlesbrough

Milton Keynes

Newcastle upon Tyne

Newham

North East Lincolnshire

North Somerset

North Tyneside

Northamptonshire

Poole

Portsmouth

Redcar and Cleveland

Rotherham

Rutland

St Helens

Salford

Sandwell

Sheffield

Solihull

Somerset

South Tyneside

Southwark

Staffordshire

Stockport

Stockton on Tees

Stoke on Trent

Sunderland

Sutton

Swindon

Tameside

Tower Hamlets

Wakefield  
Walsall  
Wigan  
Wirral  
Wolverhampton  
City of York

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations revoke and replace without substantive change the Nursery Education (Amendment) Regulations 1997 (S.I. [1997/1971](#)) made on 8th August 1997 with respect to nursery education in England. They do so in order to remove the possibility of confusion arising from the existence of another set of Regulations of the same title (S.I. [1997/1954](#)) made on 2nd August 1997 in respect of nursery education in Wales.

The effect of these regulations is to amend, in relation to England, the Nursery Education Regulations 1996 (S.I. [1996/2086](#), “the principal Regulations”), as previously amended by the Nursery Education (Amendment) Regulations 1996 (S.I. [1996/3117](#)).

The principal effects of these amendments are, in respect of the provision of nursery education after 1st September 1997: to make separate provision for the determination of grant in respect of nursery provision in England; to make different provision for the determination of grant as between providers of nursery education (other than authorities and local education authorities) dependent on whether the child in respect of whom grant is claimed resides in one of the local government areas listed in the Schedule to these Regulations or does not; to disapply, as respects England, the condition in regulation 5 of the principal Regulations; and to extend, as respects inspection reports on nursery education provided at premises in England, from 15 to 25 days the period within which the report of an inspection of funded nursery education is to be made.