



Children and Young People (Scotland) Act 2014

2014 asp 8

PART 6

EARLY LEARNING AND CHILDCARE

47 Duty to secure provision of early learning and childcare

- (1) An education authority must, in pursuance of its duty under section 1(1) of the 1980 Act, secure that the mandatory amount of early learning and childcare is made available for each eligible pre-school child belonging to its area.
- (2) An “eligible pre-school child” is a child who—
 - (a) is under school age,
 - (b) has not commenced attendance at a primary school (other than at a nursery class in such a school), and
 - (c) either—
 - (i) falls within subsection (3), or
 - (ii) is within such age range, or is of such other description, as the Scottish Ministers may by order specify.
- (3) Subject to subsection (4), a child falls within this subsection if the child is aged 2 or over and
 - [^{F1}(a) is or has been at any time since the child's second birthday—
 - [^{F2}(i) looked after by the authority concerned or by any other local authority, or
 - (ii) the subject of a kinship care order][^{F3}, or
 - (b) has, or had, a guardian by virtue of an appointment under section 7 of the 1995 Act.]
- (4) The Scottish Ministers may by order provide that a child aged 4 or over does not (or is no longer to) fall within subsection (3) in such circumstances as may be specified in the order.

Changes to legislation: There are currently no known outstanding effects for the Children and Young People (Scotland) Act 2014, Section 47. (See end of Document for details)

- (5) An order made under subsection (2)(c)(ii) may provide that a child is to be an eligible pre-school child only if the education authority concerned is satisfied as to any matter relating to the child which is specified in the order.
- (6) In subsection (3)(b), “ kinship care order ” has the meaning given by section 72(1).

Textual Amendments

- F1** Words from s. 47(3) renumbered as s. 47(3)(a) (1.8.2016) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), [ss. 29\(2\)\(a\), 33\(2\)](#); [S.S.I. 2016/192](#), [reg. 2](#), [sch.](#)
- F2** S. 47(3)(a)(b) renumbered as s. 47(3)(a)(i)(ii) (1.8.2016) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), [ss. 29\(2\)\(a\), 33\(2\)](#); [S.S.I. 2016/192](#), [reg. 2](#), [sch.](#)
- F3** S. 47(3)(b) and preceding word substituted (1.8.2016) by [Education \(Scotland\) Act 2016 \(asp 8\)](#), [ss. 29\(2\)\(b\), 33\(2\)](#); [S.S.I. 2016/192](#), [reg. 2](#), [sch.](#)

Modifications etc. (not altering text)

- C1** S. 47(1) restricted (temp.) (25.3.2020) by [Coronavirus Act 2020 \(c. 7\)](#), [s. 87\(1\)](#), [Sch. 16 para. 9\(3\)](#) (with [ss. 89, 90](#))

Commencement Information

- I1** S. 47 partly in force; s. 47 not in force at Royal Assent; s. 47(2)-(5) in force at 28.3.2014, see s. 102(2)
- I2** S. 47(1)(6) in force at 1.8.2014 by [S.S.I. 2014/131](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Children and Young People (Scotland) Act 2014, Section 47.