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STATUTORY INSTRUMENTS

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**1999 No. 1441**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (Inspection of Nursery  
Education) (Wales) Regulations 1999**

*Made* - - - - - *24th May 1999*

*Laid before Parliament* *26th May 1999*

*Coming into force* - - - *1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 122(1) and 138(7) and (8) of, and paragraphs 6(1)(a) and (5) and 13 of Schedule 26 to, the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Wales hereby makes the following Regulations:

**Commencement, citation and extent**

**1.**—(1) These Regulations may be cited as the Education (Inspection of Nursery Education) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations apply only in relation to nursery education provided in Wales.

**Interpretation**

**2.** In these Regulations “the Act” means the School Standards and Framework Act 1998.

**Inspection reports**

**3.**—(1) For the purposes of paragraph 13(1) of Schedule 26 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, fifteen 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<sup>(2)</sup>.

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(1) 1998 c. 31.

(2) 1971 c. 80.

(3) For the purposes of paragraph 13(2) of Schedule 26 to the Act there are prescribed, as the authorities and persons to whom a copy of the report of an inspection under paragraph 6 of that Schedule 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 an independent school, the head teacher of the school, the proprietors of the school, the Registrar of Independent Schools for Wales and, where the school is approved under section 347 of the Education Act 1996<sup>(3)</sup> (approval of independent schools providing special education), any local education authority which is paying the fees of the attendance of any registered pupil at the school;
- (d) in the case of nursery education provided at a special school which is not maintained by a local education authority, the head teacher of the school, the proprietors of the school and any local education authority which is paying fees in respect of the attendance of a registered pupil at the school;
- (e) in the case of nursery education provided by a local education authority under section 18 of the Children Act 1989<sup>(4)</sup>, that authority and the person in charge of the place at which the education is provided;
- (f) 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;
- (g) 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 National Assembly for Wales<sup>(5)</sup>; and
- (h) in the case of nursery education provided by a local authority at a home for children with special educational needs, that authority.

### Inspection Intervals

4.—(1) For the purposes of paragraph 6(1)(a) of Schedule 26 to the Act there are prescribed as the intervals at which relevant nursery education provided at any premises is inspected by a registered nursery inspector, successive periods of six years.

(2) The period within which the first such inspection is to take place shall be the period unexpired on the date on which these Regulations come into force of the period of six years commencing:

- (a) on the day on or after 1st April 1997 on which relevant nursery education was first provided at the premises concerned, or
- (b) on the day following the day on which the last inspection of nursery education provided at those premises was completed under paragraph 6 of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996<sup>(6)</sup>,

whichever is the later.

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<sup>(3)</sup> 1996 c. 56.

<sup>(4)</sup> 1989 c. 41.

<sup>(5)</sup> The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections and Schedules to the School Standards and Framework Act 1998 are to be construed as being, or including, a reference to the Assembly *see* section 43 of the Government of Wales Act 1998.

<sup>(6)</sup> 1996 c. 50. Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996 was repealed by section 122(2) of, and Schedule 31 to, the Act with effect from 1st October 1988. *See* S.I. 1998/2212.

(3) In paragraph (2)(a) above, “relevant nursery education” includes “funded nursery education” within the meaning of Schedule 1 to the Nursery Education and Grant-Maintained Schools Act 1996.

### **Revocation**

5. The Nursery Education Regulations 1996<sup>(7)</sup>, the Nursery Education (Amendment) Regulations 1996<sup>(8)</sup> and the Nursery Education (Amendment) Regulations 1997<sup>(9)</sup> (insofar as they have not ceased to have effect by virtue of the repeal without re-enactment of the provisions containing the powers under which they were made) are hereby revoked in relation to Wales.

Signed by authority of the Secretary of State for Wales

24th May 1999

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

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<sup>(7)</sup> S.I. [1996/2086](#).  
<sup>(8)</sup> S.I. [1996/3117](#).  
<sup>(9)</sup> S.I. [1997/1954](#).

**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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## EXPLANATORY NOTE

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

These Regulations, which apply only in relation to nursery education provision in Wales, prescribe the period within which a report of an inspection of nursery education under Schedule 26 to the School Standards and Framework Act 1998 must be made; the authorities and persons to whom a copy of such a report must be sent; and the intervals at which nursery education is to be inspected under that Schedule (regulations 3 and 4).

Apart from the intervals for inspections, which are increased from 5 to 6 years, these provisions largely replicate provisions contained in the Nursery Education Regulations 1996 (as amended), which are revoked in relation to Wales (regulation 5).