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STATUTORY INSTRUMENTS

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**1996 No. 3117**

**EDUCATION, ENGLAND AND WALES**

**The Nursery Education (Amendment) Regulations 1996**

*Made* - - - - *11th December 1996*  
*Laid before Parliament* *11th December 1996*  
*Coming into force* - - *1st January 1997*

In exercise of the powers conferred on the Secretary of State by sections 1(2)(b) and 8(4) of, and paragraphs 6(1)(a), 6(5) and 13 of Schedule 1 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 and commencement**

1.—(1) These Regulations may be cited as the Nursery Education (Amendment) Regulations 1996 and shall come into force on 1st January 1997.

(2) In these Regulations—

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

“funded nursery education” has the meaning assigned by paragraph 1(a) of Schedule 1 to the Act;

“the principal Regulations” means the Nursery Education Regulations 1996(2).

**Amendment of the principal Regulations**

2. The principal Regulations shall be amended in accordance with the following regulations.

**Nursery education**

3. In regulation 2 of the principal Regulations, for paragraphs (2) to (4) there shall be substituted—

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

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

(2) S.I. 1996/2086.

child is nursery education the time referred to in paragraph (3) which shall apply before paragraph (5) takes effect.

(3) The time referred to in paragraph (2) is 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 attended school and attained 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 (4)(a)), that term; or
- (c) where he attends school and attains that age on or after the first day of the first term to begin after the end of December 1996 (but not later than the qualifying date for that term referred to in paragraph (4)(b)), that term.

- (a) (4) The qualifying date referred to in paragraph (3)(b) for the London Boroughs of Kensington and Chelsea, Wandsworth and Westminster is 31st August 1996 and for Norfolk is 9th September 1996.
- (b) The qualifying date referred to in paragraph (3)(c) for the London Boroughs of Kensington and Chelsea, Wandsworth and Westminster is 1st January 1997 and for Norfolk is 6th January 1997.

(5) For the purposes of section 1(2)(b) of the Act 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 (not being earlier than 1st April 1997) starting after he has attained the age of four years; or
- (b) if his fourth birthday falls within the period specified in paragraph (6), the school term following the school term referred to in that paragraph.

(6) The period referred to in paragraph (5)(b) commences, as the case may be, on 1st April 1997, 1st September 1997 or 1st January 1998 (or on any anniversary of those dates) and ends with the beginning of the school term following the commencement of the period in question.

(7) Where education is provided for a child otherwise than at a school, paragraphs (3) and (5) shall apply as if—

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

(8) For the purposes of Schedule 1 to the Act (inspections etc.) only “nursery education” includes education provided after 1st January 1997 which is of a kind which, if provided on or after 1st April 1997, would amount to nursery education for the purposes of the Act.”

### **Recipients of grant**

4. After regulation 3(e) in the principal Regulations there shall be added:

- “(f) local authorities which provide nursery education at home for children with special educational needs.”

### **Inspection reports**

5.—(1) In paragraph (1) of regulation 7 in the principal Regulations for “10 days” there shall be substituted “15 days”.

(2) After regulation 7(3)(h) there shall be added:

“(i) in the case of nursery education provided by the local authority at home to children with special educational needs, that authority.”

### **Inspection intervals**

6. After regulation 7 in the principal Regulations there shall be added the following regulation:

#### **“Inspection intervals**

8.—(1) For the purpose of paragraph 6(1)(a) of Schedule 1 to the Act there are prescribed as the intervals at which funded nursery education shall be inspected by a registered nursery education inspector—

- (a) in respect of such education provided at premises in England, within successive periods of four years, and
- (b) in respect of such education provided at premises in Wales, within successive periods of five years.

(2) The periods, within which the first inspection is to take place at the premises referred to in paragraph (1), shall commence on the day on or after 1st April 1997 on which funded nursery education is first provided at the premises.”

Signed by authority of the Secretary of State

Department for Education and Employment  
11th December 1996

*Robin Squire*  
Parliamentary Under Secretary of State,

11th December 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.

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## EXPLANATORY NOTE

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

These regulations amend the Nursery Education Regulations 1996 (S.I.1996/2086). The amendments have the effect of defining nursery education for the purposes of the Nursery Education and Grant-Maintained Schools Act 1996 for the period until the end of March 1997 for the London Boroughs of Kensington and Chelsea, Wandsworth and Westminster and for Norfolk; and for the whole of England and Wales thereafter (regulation 3). They also add to the list of recipients of grant (regulation 4), make amendments in relation to inspection reports (regulation 5) and prescribe the intervals between inspections (regulation 6).