



# Education Act 1980

## 1980 CHAPTER 20

### *Nursery education*

#### **24 Nursery education: England and Wales**

- (1) A local education authority shall have power to establish nursery schools, to maintain such schools established by them or a former authority and to assist any such school which is not so established.
- (2) A local education authority shall not by virtue of section 8(1)(a) of the Education Act 1944 be under any duty in respect of junior pupils who have not attained the age of five years but this subsection shall not affect the power of an authority under section 9(1) of that Act to establish, maintain or assist a school at which education is provided both for such pupils and older pupils, including a school at which there is a nursery class for such junior pupils as aforesaid.
- (3) In the definition of "pupil" in section 114(1) of the said Act of 1944 (which defines pupils as those for whom education is required to be provided under that Act) there shall be added at the end the words " but includes a junior pupil who has not attained the age of five years. "

#### **25 Nursery education: Scotland**

- (1) An education authority shall have power to provide for their area school education in nursery schools and nursery classes.
- (2) The duties of an education authority under section 1 of the Education (Scotland) Act 1962 shall not apply in relation to the provision of school education in nursery schools and nursery classes.
- (3) This section applies to Scotland only.

**26 Day nurseries**

- (1) Subject to subsection (3) below, a local education authority may, in accordance with arrangements made by them in that behalf, make available to any day nursery the services of any teacher who—
  - (a) is employed by them in a nursery school or in a primary school having one or more nursery classes ; and
  - (b) has agreed to provide his services for the purposes of the arrangements.
- (2) Subject to subsection (3) below, the governors of any county or voluntary primary school having one or more nursery classes may, in accordance with arrangements made by them in that behalf, make available to any day nursery the services of any teacher who is employed by them in the school and has agreed to provide his services for the purposes of the arrangements.
- (3) Arrangements made under subsection (1) above in respect of a teacher in a voluntary school shall require the concurrence of the governors of the school; and no arrangements shall be made under subsection (2) above except at the request of the local education authority and on terms approved by them.
- (4) Arrangements under this section may make provision—
  - (a) for the supply of equipment for use in connection with the teaching services made available under the arrangements ;
  - (b) for regulating the respective functions of any teacher whose services are made available under the arrangements, the head teacher of his school and the person in charge of the day nursery;
  - (c) for any supplementary or incidental matters connected with the arrangements, including, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.
- (5) In this section " day nursery " means a day nursery provided under the National Health Service Act 1977 by a local social services authority.
- (6) A teacher shall not be regarded as ceasing to be a member of the teaching staff of his school and subject to the general directions of his head teacher by reason only of his services being made available in pursuance of arrangements under this section.