

**Changes to legislation:** School Standards and Framework Act 1998, Cross Heading: Introductory is up to date with all changes known to be in force on or before 08 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 26 **U.K.**

#### INSPECTION OF NURSERY EDUCATION <sup>[F1]</sup>IN WALES]

##### Textual Amendments

- F1** Words in Sch. 26 title inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), Sch. 2 para. 36(2); S.I. 2008/2261, art. 2 (with Sch. 1)

##### *Introductory*

- 1 (1) In this Schedule “relevant nursery education” means—
- <sup>[F1]</sup>(za) nursery education provided in a maintained school <sup>[F2]</sup>in Wales] or a maintained nursery school <sup>[F2]</sup>in Wales];
  - (a) nursery education <sup>[F3]</sup>not falling within paragraph (za)] which is provided by a <sup>[F4]</sup>local authority<sup>[F5]</sup>in Wales];
  - <sup>[F6]</sup>(b) nursery education which is provided by any other person under arrangements made with that person by a <sup>[F4]</sup>local authority<sup>[F7]</sup>in Wales] in pursuance of the duty imposed on the authority by section 118 and in consideration of financial assistance provided by the authority under the arrangements.]
  - <sup>F8</sup>(c) .....
- (2) In this Schedule “nursery education under consideration for funding” means nursery education provided by a person <sup>[F9]</sup>to whom a <sup>[F4]</sup>local authority<sup>[F10]</sup>in Wales] are considering giving financial assistance and whose provision of nursery education would fall to be taken into account by the authority in formulating proposals for the purposes of section 120(2)(a).<sup>[F9]</sup>with whom a <sup>[F4]</sup>local authority<sup>[F10]</sup>in Wales] are considering making arrangements in pursuance of the duty imposed on the authority by section 118 for the provision of nursery education in consideration of financial assistance provided by the authority under the arrangements.]
- <sup>[F11]</sup>(3) Where—
- (a) any education is for the time being provided at any premises for children who have not attained the age prescribed for the purposes of section 118(1)
  - (b) (“the prescribed age”), and
  - (b) that education is provided by a person—
    - (i) who proposes to provide nursery education at those premises for children who have attained the prescribed age, and
    - (ii) with whom a <sup>[F4]</sup>local authority<sup>[F12]</sup>in Wales] are considering making arrangements of the kind mentioned in sub-paragraph (2),
- the education is to be treated for the purposes of this Schedule as nursery education under consideration for funding even though it is provided for children who have not attained the prescribed age.]

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### Textual Amendments

- F1** Sch. 26 para. 1(1)(za) inserted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(a)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F2** Words in Sch. 26 para. 1(1)(za) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F3** Words in Sch. 26 para. 1(1)(a) inserted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(b)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F4** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F5** Words in Sch. 26 para. 1(1)(a) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F6** Sch. 26 para. 1(1)(b) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(2)(c)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F7** Words in Sch. 26 para. 1(1)(b) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(3)(c)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F8** Sch. 26 para. 1(1)(c) repealed (1.4.2003 for E.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/124, art. 4
- F9** Words in Sch. 26 para. 1(2) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(3)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F10** Words in Sch. 26 para. 1(2) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(4)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F11** Sch. 26 para. 1(3) substituted (1.9.2006 for W.) by Education Act 2005 (c. 18), s. 125(4), **Sch. 7 para. 9(4)** (with s. 119); S.I. 2006/1338, art. 3, Sch. 1
- F12** Words in Sch. 26 para. 1(3)(b)(ii) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 36(5)**; S.I. 2008/2261, art. 2 (with Sch. 1)

2 [F13(1) In this Schedule—

F14(a) .....

(b) “the Chief Inspector for Wales” means Her Majesty’s Chief Inspector of Education and Training in Wales, and

F15(c) “the Chief Inspector” (without more) means the Chief Inspector for Wales.]

(2) In this Schedule references to registered [F16Welsh] nursery education inspectors are to persons registered under paragraph 8.

[ In this Schedule “members of the Welsh Inspectorate” means—

F17(3) (a) the Chief Inspector for Wales,

(b) Her Majesty’s Inspectors of Education and Training in Wales, and

(c) additional inspectors with whom the Chief Inspector for Wales has made arrangements to give him assistance under paragraph 2 of Schedule 2 to the Education Act 2005.]

F18(4) .....

[F19(5) In this Schedule, “well-being” in relation to children for whom nursery education is provided in Wales, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004.]]

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### Textual Amendments

- F13** Sch. 26 para. 2(1) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 7 para. 10(2)** (with s. 119); S.I. 2005/2034, art. 6
- F14** Sch. 26 para. 2(1)(a) repealed (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), Sch. 2 para. 36(6)(a), **Sch. 3 Pt. 2**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F15** Sch. 26 para. 2(1)(c) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 36(6)(b)**; S.I. 2008/2261, art. 2 (with Sch. 1)
- F16** Word in Sch. 26 para. 2(2) inserted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 7 para. 10(3)** (with s. 119); S.I. 2005/2034, art. 6
- F17** Sch. 26 para. 2(3) substituted (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), **Sch. 7 para. 10(4)** (with s. 119); S.I. 2005/2034, art. 6
- F18** Sch. 26 para. 2(4) repealed (3.10.2005 for E.) by [Education Act 2005 \(c. 18\)](#), s. 125(4), Sch. 7 para. 10(5), **Sch. 19 Pt. 1** (with s. 119); S.I. 2005/2034, art. 6
- F19** Sch. 26 para. 2(5) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), **Sch. 2 para. 36(7)**; S.I. 2008/2261, art. 2 (with Sch. 1)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)