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STATUTORY INSTRUMENTS

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**1996 No. 3079 (S.236)**

**EDUCATION, SCOTLAND**

**The Grants for Pre-school Education  
(Prescribed Children) (Scotland) Order 1996**

<i>Made</i>	- - - -	<i>3rd December 1996</i>
<i>Laid before Parliament</i>		<i>10th December 1996</i>
<i>Coming into force</i>	- -	<i>1st August 1997</i>

The Secretary of State, in exercise of the powers conferred on him by section 23(1) of the Education (Scotland) Act 1996(1) and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Grants for Pre-school Education (Prescribed Children) (Scotland) Order 1996 and shall come into force on 1st August 1997.

**Children for whom pre-school education is provided**

2.—(1) The description of children prescribed for the purposes of section 23(1) of the Education (Scotland) Act 1996 (grants for education of children under school age) is children in respect of whom the following conditions are satisfied:—

- (a) the time when education is provided is on or after the date of commencement of the school year immediately before that in which the child would first become eligible to commence attendance at a public primary school under section 32 of the Education (Scotland) Act 1980(2); and
- (b) the time when education is provided is before the earliest of the following dates:—
  - (i) the date when the child attains school age;
  - (ii) the date when the child commences attendance at a public primary school by virtue of section 32(4) to (7) of that Act;
  - (iii) the date when the child commences attendance at a school in any other circumstances, other than for the purpose only of activities of the kind described in section 1(5)(a)(i) of that Act (activities in nursery schools and nursery classes).

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(1) 1996 c. 43.  
(2) 1980 c. 44.

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**Status:** This is the original version (as it was originally made).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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(2) For the purpose of this regulation “school year” means a period of 12 months commencing on 1st August of any year.

Scottish Office  
3rd December 1996

*Raymond S Robertson*  
Parliamentary Under Secretary of State,

## EXPLANATORY NOTE

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

Part II of the Education (Scotland) Act 1996 empowers the Secretary of State to make grants to providers of education for children under school age. This Order prescribes the description of children for this purpose as being those under compulsory school age to whom education is provided at any time—

- (a) on or after the beginning (1st August) of the school year preceding the school year in which they would first become eligible to attend a public primary school; and
- (b) before they attend any school other than a nursery school or a nursery class in a primary school.