
SCOTTISH STATUTORY INSTRUMENTS

2002 No. 72 (C. 2)

EDUCATION

**The Standards in Scotland's Schools etc. Act
2000 (Commencement No. 5) Order 2002**

Made - - - - *24th February 2002*

The Scottish Ministers, in exercise of the powers conferred by section 61(2) of the Standards in Scotland's Schools etc. Act 2000(1), hereby make the following Order:

Citation

1. This Order may be cited as the Standards in Scotland's Schools etc. Act 2000 (Commencement No. 5) Order 2002.

Appointed Days

2.—(1) 4th March 2002 is the day appointed for the coming into force of the following provisions of the Standards in Scotland's Schools etc. Act 2000:—

- (a) section 32 (provision of education for pre-school children etc.);
- (b) section 33 (fees);
- (c) section 34 (guidance to education authorities as respects discharge of certain functions);
- (d) section 35 (provision of school education by persons other than education authorities);
- (e) section 36 (inspection of establishments other than schools); and
- (f) section 37 (provision of transport etc. by education authority).

(2) 1st April 2002 is the day appointed for the coming into force of section 39 (repeal of Part II of the Education (Scotland) Act 1996) of the Standards in Scotland's Schools etc. Act 2000.

St Andrew's House,
Edinburgh
24th February 2002

CATHY JAMIESON
A member of the Scottish Executive

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

Article 3(1) of this Order brings into force sections 32, 33, 34, 35, 36 and 37 of the Standards in Scotland's Schools etc. Act 2000 ("the Act") on 26th February 2002.

Section 32 of the Act imposes a duty on the education authority regarding nursery provision, requiring it to secure the provision of pre-school education for categories of children as may be prescribed by the Scottish Ministers.

Section 33 prevents an education authority from charging fees in respect of pre-school provision required by statute. However, where the provision goes beyond that required by statutory duty the education authority may charge fees.

Section 34 gives Scottish Ministers the power to issue guidance to education authorities about their functions in relation to pre-school education.

Section 35 allows education authorities to secure pre-school provision by entering into arrangement with other persons.

Section 36 substitutes a new section 66(1A) of the Education (Scotland) Act 1980 (c. 44), giving Scottish Ministers the power to require inspection of all establishments that provide publicly funded school education to pre-school children.

Section 37 gives education authorities the power to make arrangements for children receiving publicly-funded pre-school education to receive transport from home to their pre-school class.

Article 3(2) of this Order brings into force section 39 (repeal of Part II of the Education (Scotland) Act 1996) of the Act on 1st April 2002. It repeals the power of Scottish Ministers to make grants for the education of children under school age.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order.

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|--|-----------------------------|--------------------------|
| Section 22 | 28th July 2000 | 2000/258 |
| Section 9 | 23rd August 2000 | 2000/298 |
| Section 10 | | |
| Section 28 | | |
| Section 60(1) (partially) | | |
| Sections 1–8, 11–14, 16–21, 24–27, 29–31, 38, 40–43 | 13th October 2000 | 2000/361 |
| Section 44 (other than the words from "or (vii)" to "numbers;" in section 44(4)) | | |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i> |
|---|-----------------------------|-------------------|
| Section 45 | | |
| Section 46 (partially) | | |
| Sections 47 and 48 | | |
| Section 49 (partially) | | |
| Section 51 (partially) | | |
| Section 52 (partially) | | |
| Sections 53 and 54 | | |
| Sections 56–59 | | |
| Section 60 (partially) | | |
| Section 46 (so far as not already in force) | 1st November 2001 | 2000/361 |
| Section 50 (partially) | | |
| Section 51 (so far as not already in force) | | |
| Section 52 (so far as not already in force) | | |
| Section 60 (partially) | | |
| Section 55 | 23rd March 2001 | 2001/102 |