



Education Act 2002

2002 CHAPTER 32

PART 9

CHILDCARE AND NURSERY EDUCATION

Nursery education

153 Powers of LEA in respect of funded nursery education

- (1) This section applies where a local education authority, in pursuance of the duty imposed on them by section 118 of the School Standards and Framework Act 1998 (c. 31) (duty of LEA as respects availability of nursery education), makes arrangements with a person (other than the governing body of a maintained school) for the provision by that person of nursery education in consideration of financial assistance provided by the authority under the arrangements.
- (2) The local education authority—
 - (a) must, in making the arrangements, have regard to any guidance given from time to time by the Secretary of State, or (as respects local education authorities in Wales) the National Assembly for Wales, as to provision to be made in such arrangements in respect of the requirements to be met by the provider of the nursery education, and
 - (b) must exercise their functions with a view to securing that the provider meets any requirements imposed on him by the arrangements.
- (3) Subject to any guidance given under subsection (2)(a), the requirements imposed by the arrangements may, in particular, if any specified conditions are not satisfied, require the repayment of the whole or any part of any financial assistance provided by the local education authority under the arrangements.
- (4) In this section—

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

Status: This is the original version (as it was originally enacted).

“nursery education” means full-time or part-time education suitable for children who have not attained compulsory school age (whether provided at schools or elsewhere).

154 Establishment or alteration of maintained nursery schools

- (1) Section 28 of the School Standards and Framework Act 1998 (c. 31) (procedure on proposals to establish, alter or discontinue schools) is amended as follows.
- (2) In subsection (1) (local education authority to publish proposals to establish or alter certain schools), after paragraph (a) there is inserted—
 - “(aa) to establish a new maintained nursery school, or”.
- (3) In that subsection, after paragraph (c) there is inserted “or
 - (d) in the case of a local education authority in Wales, to make any prescribed alteration to a maintained nursery school”.

155 Inspection of nursery education

Schedule 14 (which makes provision about the inspection of nursery education) shall have effect.

156 Meaning of “nursery school” and “primary education”

- (1) In section 6(1) of the Education Act 1996 (c. 56) (meaning of “nursery school”), after “used” there is inserted “wholly or”.
- (2) For section 2(1) of that Act there is substituted—
 - “(1) In this Act “primary education” means—
 - (a) full-time or part-time education suitable to the requirements of children who have attained the age of two but are under compulsory school age;
 - (b) full-time education suitable to the requirements of junior pupils of compulsory school age who have not attained the age of 10 years and six months; and
 - (c) full-time education suitable to the requirements of junior pupils who have attained the age of 10 years and six months and whom it is expedient to educate together with junior pupils within paragraph (b).”