

**Changes to legislation:** Childcare Act 2006, Cross Heading: Education Act 1996 (c. 56) is up to date with all changes known to be in force on or before 20 April 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 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Education Act 1996 (c. 56)*

- 20 In the heading to section 17 of the Education Act 1996, for “nursery education” substitute “nursery schools”.

#### Commencement Information

- I1** Sch. 2 para. 20 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

<sup>F1</sup>21 .....

#### Textual Amendments

- F1** [Sch. 2 para. 21](#) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 16\(4\)\(c\)](#); [S.I. 2014/889](#), [art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

- 22 (1) Section 329A of the Education Act 1996 (review or assessment of educational needs at request of responsible body) is amended as follows.
- (2) In subsection (11), for “relevant nursery education” substitute “relevant early years education”.
- (3) In subsection (13)(c), for “nursery”, in both places, substitute “early years”.

<sup>F2</sup>(4) .....

#### Textual Amendments

- F2** [Sch. 2 para. 22\(4\)](#) omitted (1.9.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 3 para. 20\(4\)](#); [S.I. 2014/889](#), [art. 7\(a\)](#) (with savings and transitional provisions in [S.I. 2014/2270](#) (as amended (1.4.2015) by [S.I. 2015/505](#)))

#### Commencement Information

- I2** Sch. 2 para. 22 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

- 23 In section 509A of the Education Act 1996 (travel arrangements for children receiving nursery education otherwise than at school)—
- (a) in the heading and in each of subsections (1), (3) and (4) for “nursery education” substitute “early years education”, and
- (b) for subsection (5) substitute—

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- “(5) In this section “relevant early years education” means—
- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
  - (b) in relation to Wales, nursery education which is provided—
    - (i) by a local education authority in Wales, or
    - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

#### Commencement Information

**I3** Sch. 2 para. 23 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

24 In section 512 of the Education Act 1996 (LEA functions concerning provision of meals etc.)—

- (a) in subsection (1)(c) for “relevant funded nursery education” substitute “relevant funded early years education”, and
- (b) in subsection (6) for the definition of “relevant funded nursery education” substitute—

““relevant funded early years education”, in relation to a local education authority in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

“relevant funded early years education”, in relation to a local education authority in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—

- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
- (b) in consideration of financial assistance provided by the authority under those arrangements.”

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#### Commencement Information

**I4** Sch. 2 para. 24 in force at 1.9.2008 for E. by S.I. 2008/2261, art. 2 (with Sch. 1)

- 25 (1) Section 515 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “ in England or Wales or to a registered early years provider in England ”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “ or (as the case may be) the registered early years provider ”, and
- (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
- (i) in relation to England, any charges to be imposed in connection with the arrangements, and
- (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”
- (4) For subsection (4) substitute—
- “(4) In this section—
- “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);
- “registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

#### Commencement Information

**I5** Sch. 2 para. 25 in force at 1.9.2008 by S.I. 2008/2261, art. 2 (with Sch. 1)

- 26 (1) Section 535 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “ in England or Wales or to a registered early years provider in England ”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “ or (as the case may be) the registered early years provider ”, and
- (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
- (i) in relation to England, any charges to be imposed in connection with the arrangements, and
- (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”

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(4) For subsection (4) substitute—

“(4) In this section—

“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

**Commencement Information**

**I6** Sch. 2 para. 26 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

27 (1) Section 548 of the Education Act 1996 (no right to give corporal punishment) is amended as follows.

(2) In subsection (1)(c) for “specified nursery education” substitute “ specified early years education ”.

(3) For subsection (8) substitute—

“(8) “Specified early years education” means—

(a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);

(b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(i) by a local education authority in Wales, or

(ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

**Commencement Information**

**I7** Sch. 2 para. 27 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

**Changes to legislation:**

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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. 32(6) inserted by [2023 c. 55 Sch. 23 para. 2](#)
- s. 36(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 6\(2\)](#)
- s. 36(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 6\(5\)](#)
- s. 37(2A) inserted by [2023 c. 55 Sch. 23 para. 7\(4\)](#)
- s. 37A(1A) inserted by [2023 c. 55 Sch. 23 para. 8\(3\)](#)
- s. 45A(4C) inserted by [2016 c. 5 s. 3\(2\)\(a\)](#)
- s. 47ZA(3)(a) substituted by [2016 c. 5 s. 3\(2\)\(b\)](#)
- s. 54(1)(a) words substituted by [2023 c. 55 Sch. 23 para. 11\(3\)\(a\)](#)
- s. 54(1)(b) words inserted by [2023 c. 55 Sch. 23 para. 11\(3\)\(b\)](#)
- s. 55(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 12\(2\)](#)
- s. 55(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 12\(5\)](#)
- s. 56(2A) inserted by [2023 c. 55 Sch. 23 para. 13\(4\)](#)
- s. 56A(1A) inserted by [2023 c. 55 Sch. 23 para. 14\(3\)](#)
- s. 57(1)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 15\(b\)](#)
- s. 57A(2)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 16\(3\)](#)
- s. 63(A1)(1) substituted for s. 63(1) by [2023 c. 55 Sch. 23 para. 18](#)
- s. 64(2A) inserted by [2023 c. 55 Sch. 23 para. 19\(4\)](#)
- s. 68(3)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(2\)](#)
- s. 68(4)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(3\)](#)
- s. 68(5)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(4\)](#)
- s. 98(1B) inserted by [2023 c. 55 Sch. 23 para. 24\(3\)](#)
- s. 113A(1) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 113A(3) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)