WELSH STATUTORY INSTRUMENTS

2003 No. 893 (W.113)

EDUCATION, WALES

The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003

Made - - - -	*26th March 2003*
Coming into force - -	*31st March 2003*

In exercise of the powers conferred on the Secretary of State by sections 118(1), 120(1) and (3), 121(1) and (9) and 138(7) and (8) of the School Standards and Framework Act 1998(**1**), now vested in the National Assembly for Wales(**2**), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.—(1) These Regulations are called the Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003 and shall come into force on 31st March 2003.

(2) These Regulations apply in relation to Wales.

Revocation

2. These Regulations revoke the Education (Nursery Education and Early Years Development) (Wales) Regulations 1999(**3**).

Interpretation

3. In these Regulations—

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"authority" ("*awdurdod*") means a local education authority;

(**1**) 1998 c. 31. Section 120(1) is amended by section 150(5) of the Education Act 2002. Section 120(3) is substituted by section 150(3) of the Education Act 2002. Section 121(1) is amended by sections 150(4)(a) and (5) and 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002. Section 121(9) is amended by section 150(4)(i) and (5) of the Education Act 2002. For the definitions of "prescribed" and "regulations" *see* section 142(1).

(**2**) *See* the National Assembly for Wales (Transfer of Functions) (Order) 1999 (S.I.1999/672) and section 211 of the Education Act 2002.

(**3**) S.I. 1999/1099.

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"nursery education" ("*addysg feithrin*") means nursery education (within the meaning of section 117 of the Act) the provision of which an authority are under a duty to secure is sufficient by virtue of section 118 of the Act and regulation 4 of these Regulations;

"the partnership" ("*y bartneriaeth*") means, in relation to an authority, the early years development and childcare partnership established by the authority in accordance with section 119 of the Act(**4**);

"the plan" ("*y cynllun*") means, in relation to an authority, the early years development and childcare plan prepared by the authority in accordance with section 120 of the Act(**5**); and

"proposals for nursery education" ("*cynigion am addysg feithrin*") means the statement of the authority's proposals for complying with their duty under section 118 of the Act which the authority are required to include in their plan in accordance with section 120(2)(a) of the Act(**6**).

Duty to secure nursery education

4.—(1) For the purposes of section 118(1)(b) of the Act (age of children in relation to whom the authority's duty to secure sufficient provision of nursery education for their area applies) there is prescribed —

(a) in the case of a child whose fourth birthday does not fall within one of the periods specified in paragraph (2) below, the age of the child at the start of the first term starting after the child's fourth birthday; or

(b) in the case of a child whose fourth birthday falls within one of the periods specified in paragraph (2) below, the age of the child at the start of the term following the term referred to in that paragraph.

(2) The periods referred to in paragraph (1) above are, in any year —

(a) the period commencing 1st April and ending with the start of the Summer term of that year;

(b) the period commencing 1st September and ending with the start of the Autumn term of that year; and

(c) the period commencing 1st January and ending with the start of the Spring term of that year.

(3) For the purposes of paragraphs (1) and (2) of this regulation, "term" means the term kept in relation to the education provided, or to be provided, or under consideration, for the child and, in any year, Spring term, Summer term and Autumn term mean, respectively, the term which starts in January, in April and in September.

Preparation and submission of plans to the National Assembly for approval

5.—(1) The first plan after the coming into force of these Regulations must be prepared and submitted to the National Assembly for approval under section 121(1) of the Act by 1st July 2003.

(2) The second plan must be prepared and submitted to the National Assembly for approval under section 121(1) of the Act by 20th October 2003.

(3) Subsequent plans must be prepared at one year intervals and submitted to the National Assembly for approval under section 121(1) of the Act by 20th October.

(**4**) As amended by section 150(1) and (5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.
(**5**) As amended by section 150(2), (3) and (5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.
(**6**) As amended by section 150(5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.