



# School Standards and Framework Act 1998

## 1998 CHAPTER 31

### PART V

#### NURSERY EDUCATION

##### *General duty of [F1local authority]*

#### **118 Duty of [F1local authority] as respects availability of nursery education.**

- (1) A [F1local authority][F2in Wales] shall secure that the provision (whether or not by them) of nursery education for children who—
- (a) have not attained compulsory school age, but
  - (b) have attained such age as may be prescribed,
- is sufficient for their area.
- (2) In determining for the purposes of subsection (1) whether the provision of such education is sufficient for their area a [F1local authority]—
- (a) may have regard to any facilities which they expect to be available outside their area for providing such education; and
  - (b) shall have regard to any guidance given from time to time by [F3the National Assembly for Wales].

#### **Textual Amendments**

- F1** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 10(2)** (with Sch. 2 para. 10(4))
- F2** Words in s. 118(1) inserted (1.9.2008) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 30(a)**; S.I. 2008/2261, art. 2 (with Sch. 1)

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**Changes to legislation:** School Standards and Framework Act 1998, Section 118 is up to date with all changes known to be in force on or before 09 May 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](#)

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**F3** Words in s. 118(2)(b) substituted (1.9.2008) by [Childcare Act 2006 \(c. 21\)](#), s. 109(2), [Sch. 2 para. 30\(b\)](#); S.I. 2008/2261, art. 2 (with [Sch. 1](#))

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**Changes and effects yet to be applied to :**

- s. 118 expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 3 by [S.I. 2021/1399 reg. 5](#)

**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. 14(3)(aa) inserted by [2011 nawm 7 s. 16\(2\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- s. 18B inserted by [2011 nawm 7 s. 16\(3\)](#) (Amendment not applied to [legislation.gov.uk](#) - s.16(02) of 2011 nawm007 omitted by 2013 nawm001 s. 100(4), Sch. 5 para. 13(2); S.I. 2014/178, art. 2(f) (with art. 3) prior to commencement)
- Sch. 22 para. 5(1B) inserted by [2023 c. 55 s. 235\(4\)](#)