Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 4

VOLUNTARY REGISTRATION

Process of voluntary registration

62 Applications for registration on the general register: childminders

(1) A person who provides or proposes to provide in England—

(a) later years childminding for a child who has attained the age of eight, or

(b) early years childminding or later years childminding for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3,

may make an application to the Chief Inspector for registration in Part B of the general childcare register as a childminder.

(2) An application under subsection (1) must—

(a) give any prescribed information about prescribed matters,

(b) give any other information which the Chief Inspector reasonably requires the applicant to give, and

(c) be accompanied by any prescribed fee.

(3) The Chief Inspector must grant an application under subsection (1) if—

(a) the applicant is not disqualified from registration by regulations under section 75, and

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(b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection ("the prescribed requirements for registration") are satisfied and are likely to continue to be satisfied.

(4) The Chief Inspector must refuse any application under subsection (1) which subsection (3) does not require him to grant.

(5) The prescribed requirements for registration may include requirements relating to—

(a) the applicant;

(b) the premises on which the childminding is being (or is to be) provided;

(c) the arrangements for childminding on those premises;

(d) any person who may be caring for children on those premises;

(e) any other person who may be on those premises.

Commencement Information

I1 S. 62 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**

I2 S. 62(1)(a)(2)-(5) in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4** (with art. 6, Sch. para. 2)

I3 S. 62(1)(b) in force at 1.9.2008 in so far as not already in force by S.I. 2008/2261, **art. 2** (with Schs. 1, 2)

63 Applications for registration on the general register: other childcare providers

(1) A person who provides or proposes to provide on premises in England—

(a) later years provision (other than later years childminding) for a child who has attained the age of eight, or

(b) early years provision or later years provision (other than early years or later years childminding) for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3,

may make an application to the Chief Inspector for registration in Part B of the general childcare register [F1]....

(2) An application under subsection (1) must—

(a) give any prescribed information about prescribed matters;

(b) give any other information which the Chief Inspector reasonably requires the applicant to give;

(c) be accompanied by any prescribed fee.

(3) An application under subsection (1) may not be made in respect of provision for a child who has attained the age of **[**[F2]two **]** if—

(a) the provision is made at any of the following **[**[F3]institutions**]** as part of the **[**[F3]institution's**]** activities—

(i) a maintained school,

(ii) a school **[**[F4]approved **]** under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools), or

(iii) **[**[F5]an independent educational institution**][**[F6]or an alternative provision Academy that is not an independent school**]**,

(b) the provision is made by the proprietor of the **[**[F7]institution**]** or a person employed to work at the **[**[F7]institution**]**, and

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[[F8](c) where the provision is made at a school (including a school that is an independent educational institution)—

(i) the child is a registered pupil at the school, or

(ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.**]**

(4) The Chief Inspector must grant an application under subsection (1) if—

(a) the applicant is not disqualified from registration by regulations under section 75, and

(b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection ("the prescribed requirements for registration") are satisfied and are likely to continue to be satisfied.

(5) The Chief Inspector must refuse any application under subsection (1) which subsection (4) does not require him to grant.

(6) The prescribed requirements for registration may include requirements relating to—

(a) the applicant;

(b) the premises on which the childcare is being (or is to be) provided;

(c) the arrangements for childcare on those premises;

(d) any person who may be caring for children on those premises;

(e) any other person who may be on those premises.

Textual Amendments

F1 Words in s. 63(1) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 12**; S.I. 2015/1329, reg. 6(b)

F2 Word in s. 63(3) substituted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 75(3)(a)**, 164(3)(e)

F3 Word in s. 63(3)(a) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 35(2)(a)**; S.I. 2014/3364, art. 2(z)

F4 Word in s. 63(3)(a)(ii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 35(2)(b)**; S.I. 2014/3364, art. 2(z)

F5 Words in s. 63(3)(a)(iii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 35(2)(c)**; S.I. 2014/3364, art. 2(z)

F6 Words in s. 63(3)(a)(iii) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, **Sch. para. 20** (with art. 3)

F7 Word in s. 63(3)(b) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 35(3)**; S.I. 2014/3364, art. 2(z)

F8 S. 63(3)(c) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 35(4)**; S.I. 2014/3364, art. 2(z)

Commencement Information

I4 S. 63 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**

I5 S. 63(1)(a)(2)-(6) in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4** (with art. 6, Sch. para. 3)

I6 S. 63(1)(b) in force at 1.9.2008 in so far as not already in force by S.I. 2008/2261, **art. 2** (with Schs. 1, 2)

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64 Entry on the register and certificates

(1) If an application under section 62(1) is granted, the Chief Inspector must—

(a) register the applicant in Part B of the general childcare register as a childminder, and

(b) give the applicant a certificate of registration stating that he is so registered.

(2) If an application under section 63(1) is granted, the Chief Inspector must—

(a) register the applicant in Part B of the general childcare register as a provider of childcare other than a childminder [F9]..., and

(b) give the applicant a certificate of registration stating that he is so registered.

(3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.

(4) If there is a change of circumstances which requires the amendment of a certificate of registration, the Chief Inspector must give the registered person an amended certificate.

(5) If the Chief Inspector is satisfied that a certificate of registration has been lost or destroyed, the Chief Inspector must give the registered person a copy, on payment by the provider of any prescribed fee.

Textual Amendments

F9 Words in s. 64(2) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 13**; S.I. 2015/1329, reg. 6(b)

Commencement Information

I7 S. 64 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**

I8 S. 64 in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4**

65 Special procedure for persons already registered [[F10]in a childcare register]

(1) If a person who is registered as a childminder in the early years register or in Part A of the general childcare register gives notice to the Chief Inspector that he wishes to be registered in Part B of the general childcare register, the Chief Inspector must—

(a) register the person in Part B of the general childcare register as a childminder, and

(b) give the applicant a certificate of registration stating that he is so registered.

(2) If a person who is registered (otherwise than as a childminder) in the early years register or in Part A of the general childcare register [F11]... gives notice to the Chief Inspector that he wishes to be registered in Part B of the general childcare register [F11]..., the Chief Inspector must—

(a) register the person in Part B of the general childcare register as a provider of childcare other than a childminder [F11]... , and

(b) give the person a certificate of registration stating that he is so registered.

(3) Subsections (3) to (5) of section 64 apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.

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Textual Amendments

F10 Words in s. 65 inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 28**; S.I. 2014/889, arts. 3(m), 7(e)

F11 Words in s. 65(2) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 14**; S.I. 2015/1329, reg. 6(b)

Commencement Information

I9 S. 65 in force at 1.9.2008 by S.I. 2008/2261, **art. 2** (with Schs. 1, 2)

[F12 Voluntary registration of persons registered with childminder agencies

Textual Amendments

F12 S. 65A and cross-heading inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 29**; S.I. 2014/889, arts. 3(m), 7(e)

65A Procedure for persons already registered with a childminder agency

(1) A person who is registered as an early years childminder with an early years childminder agency or as a later years childminder with a later years childminder agency may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision in England of—

(a) later years childminding for a child who has attained the age of eight;

(b) early years childminding or later years childminding for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.

(2) If a person gives notice to an agency under subsection (1), the agency must—

(a) register the person in the register maintained by the agency as a childminder registered under this Chapter, and

(b) give the person a certificate of registration stating that he or she is so registered.

(3) A person who is registered as an early years provider (other than a childminder) with an early years childminder agency or as a later years provider (other than a childminder) with a later years childminder agency [F13]... may give notice to the agency that he or she wishes to be registered with the agency in respect of [F13]...—

(a) later years provision (other than later years childminding) for a child who has attained the age of eight;

(b) early years provision or later years provision (other than early years or later years childminding) for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.

(4) If a person gives notice to an agency under subsection (3), the agency must—

(a) register the person in the register maintained by the agency as a provider of childcare (other than a childminder) registered under this Chapter [F14]..., and

(b) give the person a certificate of registration stating that he or she is so registered.

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(5) A certificate of registration given to the applicant in pursuance of subsection (2) or (4) must contain prescribed information about prescribed matters.

(6) If there is a change of circumstances which requires the amendment of a certificate of registration, the agency must give the registered person an amended certificate.**]**

Textual Amendments

F13 Words in s. 65A(3) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 15(a)**; S.I. 2015/1329, reg. 6(b)

F14 Words in s. 65A(4) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 15(b)**; S.I. 2015/1329, reg. 6(b)

Regulation of persons registering voluntarily

66 Conditions on registration

(1) The Chief Inspector may impose such conditions as he thinks fit on the registration of a person **[**[F15]in Part B of the general childcare register**]**.

(2) The power conferred by subsection (1) may be exercised at the time when the Chief Inspector registers a person in pursuance of section 64 or 65 or at any subsequent time.

(3) The Chief Inspector may at any time vary or remove any condition imposed under subsection (1).

(4) The power conferred by subsection (1) includes power to impose conditions for the purpose of giving effect to regulations under section 67.

(5) A person registered [F16]**[**in Part B of the general childcare register**]** commits an offence if, without reasonable excuse, he fails to comply with any condition imposed under subsection (1).

(6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

F15 Words in s. 66(1) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 30**; S.I. 2014/889, arts. 3(m), 7(e)

F16 Words in s. 66(5) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 30**; S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

I10 S. 66 in force at 6.4.2007 by S.I. 2007/1019, **art. 4**

67 Regulations governing activities

(1) This section applies to persons providing early years provision or later years provision (or both) in respect of which they are registered under this Chapter.

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(2) The Secretary of State may, after consulting the Chief Inspector and any other person he considers appropriate, make regulations governing the activities of persons to whom this section applies.

(3) The regulations may deal with the following matters (among others)—

(a) the welfare of the children concerned;

(b) the arrangements for safeguarding the children concerned;

(c) suitability of persons to care for, or be in regular contact with, the children concerned;

(d) qualifications and training;

(e) the suitability of premises and equipment;

(f) the manner in which the childcare provision is organised;

(g) procedures for dealing with complaints;

(h) the keeping of records;

(i) the provision of information.

(4) The power to make regulations under this section may be exercised so as confer powers or impose duties on the Chief Inspector **[**[F17], early years childminder agencies or later years childminder agencies**]** in the exercise of [F18]... functions under this Part.

(5) In particular, it may be so exercised so as to require the Chief Inspector **[**[F19], early years childminder agencies or later years childminder agencies**]**, in exercising [F20]... functions under this Part, to have regard to factors, standards and other matters prescribed by or referred to in the regulations.

(6) If the regulations require any person (other than the Chief Inspector) to have regard to or meet factors, standards and other matters prescribed by or referred to in the regulations, they may also provide for any allegation that the person has failed to do so to be taken into account—

(a) by the Chief Inspector in the exercise of his functions under this Part,

[[F21](aa) by early years childminder agencies or later years childminder agencies in the exercise of functions under this Part,**]** or

(b) in any proceedings under this Part.

Textual Amendments

F17 Words in s. 67(4) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 31(2)(a)**; S.I. 2014/889, arts. 3(m), 7(e)

F18 Word in s. 67(4) omitted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 31(2)(b)**; S.I. 2014/889, arts. 3(m), 7(e)

F19 Words in s. 67(5) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 31(3)(a)**; S.I. 2014/889, arts. 3(m), 7(e)

F20 Word in s. 67(5) omitted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 31(3)(b)**; S.I. 2014/889, arts. 3(m), 7(e)

F21 S. 67(6)(aa) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 31(4)**; S.I. 2014/889, arts. 3(m), 7(e)

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Commencement Information

I11 S. 67 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**

I12 S. 67 in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4**

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Changes and effects yet to be applied to :

- s. 62 heading words inserted by 2023 c. 55 Sch. 23 para. 17(2)

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