

# CHILDCARE ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### **Part 3 – Regulation of Provision of Childcare in England**

#### *Chapter 4 – Voluntary registration*

#### *Section 62: Applications for registration on the general register: childminders*

132. **Section 62** deals with applications for voluntary registration by childminders. This applies to childminders who are not required to be registered because, for example, they care only for children aged 8 and over or because they are exempt from registration by virtue of an order made by the Secretary of State under section 33(2) (which deals with early years childminders) or section 52(2) (which deals with later years childminders). Such childminders are able to make an application to be registered in Part B of the general childcare register. The prescribed registration requirements (which may, for example, relate to the applicant and the premises) must be satisfied, and applicants must pay a prescribed fee. The Chief Inspector must grant registration as long as the applicant is not disqualified under section 75, and the Chief Inspector is satisfied that registration requirements are met and will continue to be met.

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

133. This section makes provision for the voluntary registration of childcare providers (other than childminders) who are not required to be registered. Such providers are able to make an application to be registered in Part B of the general childcare register. This does not apply to provision made by schools for children who are 3 or over, where at least one child is a registered pupil at the school. The provision made by section 63 is similar to the provision made by section 62 for childminders but applications must be made in respect of particular premises.

#### *Section 64: Entry on the register and certificates*

134. **Section 64** requires the Chief Inspector to register successful applicants on Part B of the general childcare register, and to give them a registration certificate containing information about prescribed matters. If there is a change in circumstances which requires an amendment to the certificate, the Chief Inspector must issue an amended certificate. If the Chief Inspector is satisfied that a certificate has been lost or destroyed he must provide a copy for the registered person, on payment of a prescribed fee.

#### *Section 65: Special procedure for persons already registered*

135. **Section 65** requires the Chief Inspector to register on Part B of the general childcare register any person who is already registered either as an early years provider on the early years register or as a later years provider on Part A of the general childcare register, if that person so requests. For providers who are not childminders, this applies only

where the care which is not required to be registered is being provided on the same set of premises as the care which is registered.

***Section 66: Conditions on registration***

136. **Section 66** allows the Chief Inspector to place conditions on the registration of voluntarily registered providers and to vary or remove such conditions. Failure to comply with a condition is an offence.

***Section 67: Regulations governing activities***

137. This section allows the Secretary of State, after consulting the Chief Inspector, to make regulations governing the activities of voluntarily registered providers. Under *subsections (4) and (5)*, this power may be exercised to confer powers and impose duties on the Chief Inspector in the exercise of his functions under Part 3. In particular it may be exercised so as to require the Chief Inspector, in exercising these functions, to have regard to factors, standards and other matters prescribed by or referred to in the regulations.
138. *Subsection (6)* provides that where the regulations require a person other than the Chief Inspector to have regard to or meet factors, standards and other matters, they may also allow for any allegation that the person has failed to do so to be taken into account by the Chief Inspector in the exercise of his functions under Part 3 or in any proceedings under that Part.
139. It is not an offence to breach such regulations, but registration may be cancelled if requirements are not met.