



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 4

#### MISCELLANEOUS AND GENERAL

VALID FROM 20/12/2006

#### *Provision of information about children*

#### **99 Provision of information about young children: England**

- (1) Regulations may make provision, in relation to England, requiring—
  - (a) a person registered as an early years provider under Chapter 2 of Part 3, and
  - (b) a person who provides early years provision in respect of which, but for section 34(2) (exemption for provision for children aged 3 or over at certain schools), he would be required to be registered under that Chapter,to provide to the relevant person such individual child information as may be prescribed.
- (2) In subsection (1), “the relevant person” means one or more of the following—
  - (a) the Secretary of State, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
  - (a) to the Secretary of State, or
  - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual child information—
  - (a) to any information collator,
  - (b) to any prescribed person, or

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- (c) to any person falling within a prescribed category.
- (5) Any information collator—
  - (a) may provide any individual child information—
    - (i) to the Secretary of State, or
    - (ii) to any other information collator, and
  - (b) may at such times as the Secretary of State may determine or in prescribed circumstances provide such individual child information as may be prescribed—
    - (i) to any prescribed person, or
    - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—
  - (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
  - “early years provision” has the meaning given by section 20;
  - “individual child information” means information relating to and identifying individual children for whom early years provision is being or has been provided by a person mentioned in subsection (1)(a) or (b), whether obtained under subsection (1) or otherwise;
  - “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to early years provision, is responsible for collating or checking information relating to children for whom such provision is made;
  - “prescribed” means prescribed by regulations;
  - “regulations” means regulations made by the Secretary of State.

## **100 Provision of information about young children: transitory provision**

- (1) Section 99 has effect with the modifications specified in subsections (2) and (3) until section 7 comes into force.
- (2) In subsection (1)—
  - (a) after “requiring” insert “ a person who provides funded nursery education ”, and
  - (b) omit paragraphs (a) and (b).
- (3) In subsection (9)—
  - (a) for the definition of “early years provision” substitute—

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““funded nursery education” means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998 (c. 31), which is provided by any person—

- (a) under arrangements made with that person by a local education authority in England 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,  
other than such education provided by a school for its pupils;”,
- (b) for the definition of “individual child information” substitute—

“individual child information” means information relating to and identifying individual children for whom funded nursery education is being or has been provided, whether obtained under subsection (1) or otherwise;”, and

- (c) in the definition of “information collator” for “early years provision” substitute “ funded nursery education ”.

VALID FROM 31/01/2008

#### **101 Provision of information about children: Wales**

- (1) Regulations may make provision, in relation to Wales, requiring—
  - (a) a person who is registered under Part 10A of the Children Act 1989 (c. 41) to provide child minding or day care, and
  - (b) a person who provides funded nursery education,  
to provide to the relevant person such individual child information as may be prescribed.
- (2) In subsection (1), “the relevant person” means one or more of the following—
  - (a) the Assembly, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Assembly may require that person to provide any such information—
  - (a) to the Assembly, or
  - (b) to any prescribed person.
- (4) The Assembly may provide any individual child information—
  - (a) to any information collator,
  - (b) to any prescribed person, or
  - (c) to any person falling within a prescribed category.
- (5) Any information collator—
  - (a) may provide any individual child information—
    - (i) to the Assembly, or
    - (ii) to any other information collator, and

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- (b) may at such times as the Assembly may determine or in prescribed circumstances provide such individual child information as may be prescribed—
- (i) to any prescribed person, or
  - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual child information (other than the Assembly or an information collator) may provide that information to—
- (a) the Assembly,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Assembly is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Assembly.
- (9) In this section—
- “child minding” and “day care” have the same meaning as in Part 10A of the Children Act 1989;
- “funded nursery education” means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998 (c. 31), which is provided by any person—
- (a) under arrangements made with that person by a local education authority in Wales 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,
- other than such education provided by a school for its pupils;
- “individual child information” means information relating to and identifying individual children for whom child minding, day care or funded nursery education is being or has been provided, whether obtained under subsection (1) or otherwise;
- “information collator” means any body which, for the purposes of or in connection with the functions of the Assembly relating to child minding, day care or funded nursery education (as the case may be), is responsible for collating or checking information relating to children for whom such provision is made;
- “prescribed” means prescribed by regulations;
- “regulations” means regulations made by the Assembly.

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VALID FROM 20/12/2006

*Disqualification for registration under Children Act 1989*

**102 Disqualification for registration under Children Act 1989**

- (1) Paragraph 4 of Schedule 9A to the Children Act 1989 (c. 41) (disqualification for registration) is amended as follows.
- (2) In sub-paragraph (2)—
  - (a) in paragraph (b) after “children” insert “ or on grounds relating to his health”, and
  - (b) after paragraph (g) insert—

“(ga) he has been given a caution in respect of any offence of a prescribed kind;”.
- (3) For sub-paragraph (6) substitute—

“(6) In this paragraph—  
“caution” includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998;  
“enactment” means any enactment having effect, at any time, in any part of the United Kingdom.”

*General*

**103 Minor and consequential amendments and repeals**

- (1) Schedule 2 (which contains minor and consequential amendments) has effect.
- (2) The enactments specified in Schedule 3 are repealed to the extent specified.

**Commencement Information**

**II** S. 103 partly in force; s. 103(1) in force at Royal Assent for certain purposes see s. 109(1)

**104 Subordinate legislation: general provisions**

- (1) Any power of the Secretary of State or the Assembly to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any power of the Secretary of State or the Assembly to make an order or regulations under this Act includes power—
  - (a) to make different provision for different cases or areas;
  - (b) to make provision generally or in relation to specific cases;
  - (c) to make such incidental, supplementary, saving or transitional provision as the Secretary of State or the Assembly thinks fit.

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## **105 Subordinate legislation: parliamentary control**

- (1) A statutory instrument containing an order or regulations made by the Secretary of State under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) does not apply to—
  - (a) an order under section 109(2) (commencement), or
  - (b) an order to which subsection (3) applies.
- (3) A statutory instrument which contains (whether alone or with other provisions) —
  - (a) an order under section 5,
  - (b) an order under section 41(4), or
  - (c) an order under section 94,
 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

## **106 General interpretation etc.**

In this Act—

- “the Assembly” means the National Assembly for Wales;
- “child” means a person under the age of 18;
- “English local authority” means—
  - (a) a county council in England;
  - (b) a metropolitan district council;
  - (c) a non-metropolitan district council for an area for which there is no county council;
  - (d) a London borough council;
  - (e) the Common Council of the City of London (in their capacity as a local authority);
  - (f) the Council of the Isles of Scilly;
- “independent school” has the same meaning as in the Education Act 1996 (c. 56);
- “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
- “maintained nursery school” has the same meaning as in the School Standards and Framework Act 1998 (c. 31);
- “parental responsibility” has the same meaning as in the Children Act 1989 (c. 41);
- “registered pupil” has the same meaning as in the Education Act 1996 (c. 56);
- “school” has the same meaning as in the Education Act 1996;
- “Welsh local authority” means a county council or county borough council in Wales;
- “well-being”, in relation to children, has the meaning given by section 1(2).

## **107 Financial provisions**

There shall be paid out of money provided by Parliament—

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- (a) any expenses incurred by a Minister of the Crown or government department under or by virtue of this Act, and
- (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.

## **108 Isles of Scilly**

Parts 1 and 3 and this Part, in their application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Secretary of State may by order prescribe.

## **109 Commencement**

- (1) The following provisions come into force on the day on which this Act is passed—
  - this section,
  - sections 104 to 108,
  - sections 110 and 111, and
  - paragraph 1 of Schedule 2 (and section 103(1) so far as relating to that paragraph).
- (2) The other provisions of this Act come into force in accordance with provision made by order by the appropriate authority (as determined under section 110).

## **110 The appropriate authority by whom commencement order is made**

- (1) This section has effect for determining who is the appropriate authority for the purposes of section 109(2).
- (2) In relation to Parts 1 and 3 (including Schedule 1) and sections 99 and 100, the appropriate authority is the Secretary of State.
- (3) In relation to Part 2 and section 101, the appropriate authority is the Assembly.
- (4) In relation to section 102, the appropriate authority is—
  - (a) in relation to England, the Secretary of State, and
  - (b) in relation to Wales, the Assembly.
- (5) In relation to section 103(1) and Schedule 2, the appropriate authority is—
  - (a) for paragraphs 18(5)(b) and (c), 20 to 24, 27, 31, 32(4) and 34 of that Schedule (and section 103(1) so far as relating to those provisions)—
    - (i) in relation to England, the Secretary of State, and
    - (ii) in relation to Wales, the Assembly,
  - (b) for paragraph 28 of that Schedule (and section 103(1) so far as relating to that paragraph), the Assembly, and
  - (c) for the other provisions of that Schedule to which section 109(2) applies (and section 103(1) so far as relating to those provisions), the Secretary of State.
- (6) In relation to section 103(2) and Schedule 3, the appropriate authority is—
  - (a) for a repeal contained in Part 1 of that Schedule, the Secretary of State, and
  - (b) for a repeal contained in Part 2 of that Schedule, the appropriate authority for the purposes of section 109(2) in relation to the provision on which the repeal is consequential.

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## 111 Short title and extent

- (1) This Act may be cited as the Childcare Act 2006.
- (2) Any amendment or repeal made by this Act has the same extent as the provision amended or repealed.
- (3) Except as provided by subsection (2), this Act extends to England and Wales only.



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