



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 2

#### REGULATION OF EARLY YEARS PROVISION

##### *Requirements to register*

#### **34 Requirement to register: other early years providers**

[<sup>F1</sup>( 1 ) A person may not provide early years provision on premises in England which are not domestic premises unless the person is registered in the early years register <sup>F2</sup>....

[<sup>F3</sup>(1ZA) Subsection (1) does not apply in relation to early years provision—

- (a) if it is early years childminding in respect of which the person providing it is required to be registered under section 33(1), or
- (b) if it would be early years childminding but for section 96(5) and in respect of which the person providing it is required to be registered under subsection (1A).]

(1A) A person may not provide early years provision <sup>F4</sup>... in England which would be early years childminding but for section 96(5) unless the person is registered—

- (a) in the early years register <sup>F5</sup>..., or
- (b) with an early years childminder agency <sup>F5</sup>....]

(2) [<sup>F6</sup>Subsections (1) and (1A) do] not apply in relation to early years provision for a child or children who has (or have) attained the age of [<sup>F7</sup>two] if—

- (a) the provision is made at any of the following [<sup>F8</sup>institutions] as part of the [<sup>F8</sup>institution's] activities—
  - (i) a maintained school,

---

**Changes to legislation:** Childcare Act 2006, Section 34 is up to date with all changes known to be in force on or before 22 April 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

---

- (ii) a school <sup>[F9]</sup>approved under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools), or
- (iii) <sup>[F10]</sup>an independent educational institution],
- (b) the provision is made by the proprietor of the <sup>[F11]</sup>institution] or a person employed to work at the <sup>[F11]</sup>institution], and
- <sup>[F12]</sup>(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.]
- (3) The Secretary of State may by order provide that, in circumstances specified in the order, <sup>[F13]</sup>subsections (1) and (1A) do] not apply in relation to early years provision.
- (4) The circumstances specified in an order under subsection (3) may relate to one or more of the following matters (among others)—
  - (a) the person providing the early years provision;
  - (b) the child or children for whom it is provided;
  - (c) the nature of the early years provision;
  - (d) the premises on which it is provided;
  - (e) the times during which it is provided;
  - (f) the arrangements under which it is provided.
- (5) A person commits an offence if, without reasonable excuse, he provides early years provision in contravention of subsection (1) <sup>[F14]</sup>or (1A)].
- (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

- F1** S. 34(1)(1A) substituted for s. 34(1) (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. 5(2)**; S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 34(1) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 2 para. 2(a)**; S.I. 2015/1329, reg. 6(b)
- F3** S. 34(1ZA) inserted (1.1.2016) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 76(6)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F4** Words in s. 34(1A) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 76(6)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F5** Words in s. 34(1A)(a)(b) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), **Sch. 2 para. 2(b)**; S.I. 2015/1329, reg. 6(b)
- F6** Words in s. 34(2) 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. 5(3)**; S.I. 2014/889, arts. 3(m), 7(e)
- F7** Word in s. 34(2) substituted (26.5.2015) by [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), **ss. 75(1)**, 164(3)(e)
- F8** Word in s. 34(2)(a) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 32(2)(a)**; S.I. 2014/3364, art. 2(z)
- F9** Word in s. 34(2)(a)(ii) substituted (5.1.2015) by [Education and Skills Act 2008 \(c. 25\)](#), s. 173(4), **Sch. 1 para. 32(2)(b)**; S.I. 2014/3364, art. 2(z)

---

**Changes to legislation:** Childcare Act 2006, Section 34 is up to date with all changes known to be in force on or before 22 April 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

---

- F10** Words in s. 34(2)(a)(iii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(2)(c)**; S.I. 2014/3364, art. 2(z)
- F11** Word in s. 34(2)(b) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(3)**; S.I. 2014/3364, art. 2(z)
- F12** S. 34(2)(c) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(4)**; S.I. 2014/3364, art. 2(z)
- F13** Words in s. 34(3) 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. 5(4)**; S.I. 2014/889, arts. 3(m), 7(e)
- F14** Words in s. 34(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. 5(5)**; S.I. 2014/889, arts. 3(m), 7(e)

---

**Modifications etc. (not altering text)**

- C1** S. 34(1) excluded (E.W.) (1.9.2008) by Childcare (Exemptions from Registration) Order 2008 (S.I. 2008/979), arts. 1(1), **2(2)**, arts. 4-9

---

**Commencement Information**

- I1** S. 34 in force at 1.10.2007 for specified purposes by S.I. 2007/2717, **art. 2(c)**
- I2** S. 34 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)

**Changes to legislation:**

Childcare Act 2006, Section 34 is up to date with all changes known to be in force on or before 22 April 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.

[View outstanding changes](#)

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

- s. 34(1)(1ZA) substituted by [2023 c. 55 Sch. 23 para. 4\(2\)](#)
- s. 34(1A) words inserted by [2023 c. 55 Sch. 23 para. 4\(3\)\(a\)](#)
- s. 34(1A) words inserted by [2023 c. 55 Sch. 23 para. 4\(3\)\(b\)](#)

**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](#)