

Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 3

REGULATION OF LATER YEARS PROVISION FOR CHILDREN UNDER 8

Regulation

59 Regulations governing activities

- (1) This section applies to—
 - (a) later years providers providing later years provision in respect of which they are registered under this Chapter, and
 - (b) later years providers providing later years provision in respect of which, but for section 53(2) (exemption for provision for children at certain schools), they would be required to be registered under this Chapter.
- (2) The Secretary of State may, after consulting the Chief Inspector and any other person he considers appropriate, make regulations governing the activities of later years providers 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 later years provision is organised;

Changes to legislation: Childcare Act 2006, Section 59 is up to date with all changes known to be in force on or before 30 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

- (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 [FI or later years childminder agencies] in the exercise of F2... functions under this Part.
- (5) In particular, it may be so exercised so as to require the Chief Inspector [F3 or later years childminder agencies], in exercising F4... 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 to 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,
 - [F5(aa) by later years childminder agencies in the exercise of functions under this Part,] or
 - (b) in any proceedings under this Part.
- (7) The regulations may provide—
 - (a) that a person who without reasonable excuse fails to comply with any requirement of the regulations is guilty of an offence, and
 - (b) that a person guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F1 Words in s. 59(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. 24(2)(a); S.I. 2014/889, arts. 3(m), 7(e)
- F2 Word in s. 59(4) omiited (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. 24(2)(b); S.I. 2014/889, arts. 3(m), 7(e)
- **F3** Words in s. 59(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. 24(3)(a)**; S.I. 2014/889, arts. 3(m), 7(e)
- Word in s. 59(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. 24(3)(b)**; S.I. 2014/889, arts. 3(m), 7(e)
- F5 S. 59(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. 24(4); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

- II S. 59 in force at 1.10.2007 for specified purposes by S.I. 2007/2717, art. 2(c)
- 12 S. 59 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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Changes to legislation:

Childcare Act 2006, Section 59 is up to date with all changes known to be in force on or before 30 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.

View outstanding changes

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