

CHILDCARE PAYMENTS ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Special Rules Affecting Tax Credit and Universal Credit Claimants

Section 34: Disqualification notices

151. [Section 34](#) provides the rules about when HMRC may give a disqualification notice to a person who has been given a warning notice under section 32 or 33.
152. Subsection (1) requires HMRC to give the person a warning notice under section 32 or 33 before they can disqualify a person from receiving top-up payments.
153. Where HMRC gives a person a disqualification notice, they cannot open a childcare account, no payments can be made into a childcare account which they hold and any declaration of eligibility they have made is invalid. A copy of the disqualification notice must be given to the account provider.
154. A disqualification notice lasts for the period stated in the notice. However, under subsection (4), a notice cannot remain in force for longer than 3 years.
155. Subsection (5) stipulates that the period stated in a disqualification notice may begin before the date of the notice but cannot commence before the beginning of the entitlement period for which the declaration of eligibility which caused the notice to be given was made. This might apply where a person makes a late declaration of eligibility, with the effect that the disqualification notice can be backdated to the start of the entitlement period for which they are making their late declaration.
156. Subsection (7) allows HMRC to revoke a disqualification notice.