
STATUTORY INSTRUMENTS

2012 No. 962

EDUCATION, ENGLAND

The Education (Charges for Early Years Provision) Regulations 2012

Made - - - - 27th March 2012
Laid before Parliament 3rd April 2012
Coming into force - - 1st September 2012

The Secretary of State for Education makes the following Regulations in exercise of the power conferred by section 451(2A) of the Education Act 1996⁽¹⁾:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Charges for Early Years Provision) Regulations 2012 and come into force on 1st September 2012.

(2) These Regulations apply only in relation to England.

Lifting of prohibition on schools charging for early years provision

2.—(1) Section 451(2) of the Education Act 1996 does not apply in relation to education which is early years provision⁽²⁾ if all of the circumstances prescribed in paragraph (2) apply.

(2) The circumstances are—

- (a) that the early years provision is not provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006⁽³⁾ (duty to secure prescribed early years provision free of charge);
- (b) that the early years provision is for a pupil who is below compulsory school age; and
- (c) that the early years provision is not otherwise funded by the local authority in accordance with regulations made under section 47 of the School Standards and Framework Act 1998⁽⁴⁾ (determination of school's budget share).

(1) 1996 c. 56. Subsection (2A) of section 451 was inserted by section 17 of the Childcare Act 2006 (c.21). See section 579 of the Education Act 1996 for the definition of “prescribed” and “regulations”.

(2) See section 20 of the Childcare Act 2006 for the definition of “early years provision”.

(3) 2006 c.21.

(4) 1998 c.31.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

27th March 2012

Sarah Teather
Minister of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe circumstances for the purposes of section 451(2A) of the Education Act 1996 (“the Act”).

Section 451 of the Act, which applies in relation to education provided at any maintained school for a registered pupil at the school, provides that where the education is provided for the pupil during school hours, no charge shall be made in respect of it.

Section 451(2A) of the Act provides that regulations may prescribe circumstances in which the prohibition on charging may be lifted in relation to education which is early years provision. The circumstances prescribed in the Regulations are that the early years provision is not provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge), the early years provision is for a pupil who is below compulsory school age, and that the early years provision is not otherwise funded by the local authority in accordance with regulations made under section 47 of the School Standards and Framework Act 1998 (determination of school’s budget share).

An impact assessment has not been produced for these Regulations as they have minimal impact on businesses, civil society organisations and the public sector.