
STATUTORY INSTRUMENTS

2012 No. 962

The Education (Charges for Early Years Provision) Regulations 2012

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⁽¹⁾ 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⁽²⁾ (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⁽³⁾ (determination of school's budget share).

⁽¹⁾ See section 20 of the Childcare Act 2006 for the definition of “early years provision”.

⁽²⁾ 2006 c.21.

⁽³⁾ 1998 c.31.