



Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 5

COMMON PROVISIONS

Registration – procedural safeguards

73 Procedure for taking certain steps

- (1) This section applies if the Chief Inspector proposes to take any of the following steps under this Part—
 - (a) refuse an application for registration;
 - (b) impose a new condition on a person's registration;
 - (c) vary or remove any condition imposed on a person's registration;
 - (d) refuse to grant an application for the variation or removal of any such condition;
 - (e) cancel a person's registration.
- (2) The Chief Inspector must give to the applicant or (as the case may be) the registered person notice of his intention to take the step in question.
- (3) The notice must—
 - (a) give the Chief Inspector's reasons for proposing to take the step, and
 - (b) inform the person concerned of [F1the person's] rights under this section.
- (4) The Chief Inspector may not take the step until the end of the period of 14 days beginning with the day on which he gives notice under subsection (2) unless the

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- applicant or (as the case may be) the registered person notifies the Chief Inspector that [^{F2}the applicant or registered person] does not wish to object to the step being taken.
- (5) If the recipient of a notice under subsection (2) (“the recipient”) gives notice to the Chief Inspector that [^{F3}the recipient] wishes to object to the step being taken, the Chief Inspector must give [^{F4}the recipient] an opportunity to object before deciding whether to take the step.
- (6) An objection made in pursuance of subsection (5) may be made orally or in writing and in either case may be made by the recipient or [^{F5}the recipient's] representative.
- (7) If the Chief Inspector decides to take the step, he must give the recipient notice of his decision (whether or not the recipient informed the Chief Inspector that [^{F6}the recipient] wished to object to the step being taken).
- (8) The taking of a step mentioned in paragraph (b), (c) or (e) of subsection (1) does not have effect until—
- (a) the expiry of the time within which an appeal may be brought under section 74, or
 - (b) if such an appeal is brought, the time when the appeal is determined (and the taking of the step is confirmed).
- (9) Subsection (8) does not prevent such a step having effect before the expiry of the time within which an appeal may be brought if the person concerned notifies the Chief Inspector that [^{F7}the person] does not intend to appeal.
- (10) If the Chief Inspector gives notice to an applicant for registration under Chapter 2 or 3 that he intends to refuse [^{F8}the] application, the application may not be withdrawn without the consent of the Chief Inspector.
- (11) In this section and in section 74, “a new condition” means a condition imposed otherwise than at the time of the person's registration.

Textual Amendments

- F1** Words in s. 73(3)(b) 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. 41\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 73(4) 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. 41\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 73(5) 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. 41\(4\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Words in s. 73(5) 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. 41\(4\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F5** Words in s. 73(6) 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. 41\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** Words in s. 73(7) 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. 41\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

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- F7** Words in s. 73(9) 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. 41\(7\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F8** Word in s. 73(10) 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. 41\(8\)](#); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

- I1** S. 73 in force at 6.4.2007 by [S.I. 2007/1019](#), [art. 4](#)

Changes to legislation:

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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](#)