

*These notes refer to the Childcare Act 2006 (c.21)
which received Royal Assent on 11 July 2006*

CHILD CARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 1: General Functions of Local Authority: England

Section 8: Powers of local authority in relation to the provision of childcare

46. **Section 8** provides that a local authority may make arrangements with childcare providers and provide support to them (including financial support). The section also allows local authorities to provide childcare themselves if there is no other provider willing to provide it or if the local authority considers, in all the circumstances, that it is appropriate to do so. *Subsection (4)* clarifies that this restriction does not affect the provision made by governing bodies of maintained schools (e.g. under their powers to provide community facilities under section 27 of the Education Act 2002). *Subsection (5)* provides that the restriction does not apply to provision made by the local authority for children in need under section 18(1) or (5) of the Children Act 1989.
47. In exercising any of the powers conferred by this section, local authorities must have regard to guidance issued by the Secretary of State.