

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

# **CHILDCARE ACT 2006**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS AND SCHEDULES**

#### **Part 3 – Regulation of Provision of Childcare in England**

##### ***Chapter 2: Regulation of Early Years Provision***

##### ***Section 48 and Schedule 1: Amendments relating to curriculum***

110. This section gives effect to Schedule 1. As a consequence of the provisions of Chapter 2 of Part 3, Schedule 1 amends section 23 of the Education Act 1997, which sets out the functions of the Qualifications and Curriculum Authority (QCA), in order to remove references to funded nursery education. It also inserts a power for the Secretary of State to provide by order that the QCA shall have functions relating to children who are receiving early years provision from early years providers who are under a duty to implement the Early Years Foundation Stage. The Secretary of State is required to consult the QCA before conferring such functions.
111. **Schedule 1** also makes amendments to Part 6 of the Education Act 2002 as a consequence of the provisions of Chapter 2 of Part 3. Part 6 of the Education Act 2002 makes provision for the National Curriculum for England including the foundation stage (which currently covers children from the age of 3 to the end of the school year in which they turn 5). As the Early Years Foundation Stage will cover all such children, provisions relating to the foundation stage are being removed from Part 6 of the Education Act 2002.