

*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 40: Duty to implement the Early Years Foundation Stage*

95. **Section 40** sets out which providers are required to implement the EYFS. This includes all early years providers who are required to be registered under sections 33 and 34 of the Act, as well as early years providers who are exempted by section 34(2) from the requirement to be registered (i.e. provision made on school premises by schools for children aged 3 and over).
96. *Subsection (2)* places these providers under a duty to implement the EYFS.