



Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 3

REGULATION OF LATER YEARS PROVISION FOR CHILDREN UNDER 8

Requirements to register

52 Requirement to register: later years childminders for children under eight

- (1) A person may not provide later years childminding in England for a child who has not attained the age of eight unless he is registered [^{F1}as a later years childminder—
 - (a) in Part A of the general childcare register, or
 - (b) with a later years childminder agency.]
- (2) The Secretary of State may by order provide that, in circumstances specified in the order, subsection (1) does not apply in relation to later years childminding.
- (3) The circumstances specified in an order under subsection (2) may relate to one or more of the following matters (among others)—
 - (a) the person providing the later years childminding;
 - (b) the child or children for whom it is provided;
 - (c) the nature of the later years childminding;
 - (d) the premises on which it is provided;
 - (e) the times during which it is provided;
 - (f) the arrangements under which it is provided.

Changes to legislation: Childcare Act 2006, Cross Heading: Requirements to register is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) If it appears to the Chief Inspector that a person has provided later years childminding in contravention of subsection (1), the Chief Inspector may serve a notice (“an enforcement notice”) on the person.
- (5) An enforcement notice may be served on a person—
 - (a) by delivering it to him, or
 - (b) by sending it by post.
- (6) An enforcement notice has effect until it is revoked by the Chief Inspector.
- (7) A person commits an offence if, at any time when an enforcement notice has effect in relation to him and without reasonable excuse, he provides later years childminding in contravention of subsection (1).
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F1** Words in s. 52(1) 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. 15](#); [S.I. 2014/889](#), arts. 3(m), 7(e)

Modifications etc. (not altering text)

- C1** S. 52(1) excluded (E.W.) (1.9.2008) by [Childcare \(Exemptions from Registration\) Order 2008 \(S.I. 2008/979\)](#), arts. 1(1), [2\(3\)](#), 3, 6, 8

Commencement Information

- I1** S. 52 in force at 1.10.2007 for specified purposes by [S.I. 2007/2717](#), [art. 2\(c\)](#)
I2 S. 52 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

53 Requirement to register: other later years providers for children under eight

[^{F2}(1) A person may not provide, for a child who has not attained the age of eight, later years provision on premises in England which are not domestic premises unless the person is registered in Part A of the general childcare register ^{F3}....]

[^{F4}(1ZA) Subsection (1) does not apply in relation to later years provision—

- (a) if it is later years childminding in respect of which the person providing it is required to be registered under section 52(1), or
- (b) if it would be later years childminding but for section 96(9) and in respect of which the person providing it is required to be registered under subsection (1A).]

(1A) A person may not provide, for a child who has not attained the age of eight, later years provision ^{F5}... in England which would be later years childminding but for section 96(9) unless the person is registered—

- (a) in Part A of the general childcare register ^{F6}..., or
- (b) with a later years childminder agency ^{F6}....]

(2) [^{F7}Subsections (1) and (1A) do] not apply in relation to later years provision for a child if—

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- (a) the provision is made at any of the following [^{F8}institutions] as part of the [^{F8}institution's] activities—
- (i) a maintained school,
 - (ii) a school [^{F9}approved] under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools), or
 - (iii) [^{F10}an independent educational institution][^{F11}or an alternative provision Academy that is not an independent school],
- (b) the provision is made by the proprietor of the [^{F12}institution] or a person employed to work at the [^{F12}institution], and
- [^{F13}(c) where the provision is made at a school (including a school that is an independent educational institution)—
- (i) the child is a registered pupil at the school, or
 - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.]
- (3) The Secretary of State may by order provide that, in circumstances specified in the order, [^{F14}subsections (1) and (1A) do] not apply in relation to later years provision.
- (4) The circumstances specified in an order under subsection (3) may relate to one or more of the following matters (among others)—
- (a) the person providing the later years provision;
 - (b) the child or children for whom it is provided;
 - (c) the nature of the later years provision;
 - (d) the premises on which it is provided;
 - (e) the times during which it is provided;
 - (f) the arrangements under which it is provided.
- (5) A person commits an offence if, without reasonable excuse, he provides later years provision in contravention of subsection (1) [^{F15}or (1A)].
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Textual Amendments

- F2** S. 53(1)(1A) substituted for s. 53(1) (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. 16(2)**; S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 53(1) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 6(a)**; S.I. 2015/1329, reg. 6(b)
- F4** S. 53(1ZA) inserted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(7)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F5** Words in s. 53(1A) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(7)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F6** Words in s. 53(1A)(a)(b) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), s. 164(1), **Sch. 2 para. 6(b)**; S.I. 2015/1329, reg. 6(b)
- F7** Words in s. 53(2) 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. 16(3)**; S.I. 2014/889, arts. 3(m), 7(e)
- F8** Word in s. 53(2)(a) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 34(2)(a)**; S.I. 2014/3364, art. 2(z)

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- F9** Word in s. 53(2)(a)(ii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 34(2)(b)**; S.I. 2014/3364, art. 2(z)
- F10** Words in s. 53(2)(a)(iii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 34(2)(c)**; S.I. 2014/3364, art. 2(z)
- F11** Words in s. 53(2)(a)(iii) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, **Sch. para. 19** (with art. 3)
- F12** Word in s. 53(2)(b) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 34(3)**; S.I. 2014/3364, art. 2(z)
- F13** S. 53(2)(c) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 34(4)**; S.I. 2014/3364, art. 2(z)
- F14** Words in s. 53(3) 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. 16(4)**; S.I. 2014/889, arts. 3(m), 7(e)
- F15** Words in s. 53(5) inserted (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. 16(5)**; S.I. 2014/889, arts. 3(m), 7(e)

Modifications etc. (not altering text)

- C2** S. 53(1) excluded (E.W.) (1.9.2008) by Childcare (Exemptions from Registration) Order 2008 (S.I. 2008/979), arts. 1(1), **2(4)**, arts. 4-8

Commencement Information

- I3** S. 53 in force at 1.10.2007 for specified purposes by S.I. 2007/2717, **art. 2(c)**
- I4** S. 53 in force at 1.9.2008 in so far as not already in force by S.I. 2008/2261, **art. 2** (with Schs. 1, 2)

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Changes and effects yet to be applied to :

- s. 52 heading words inserted by [2023 c. 55 Sch. 23 para. 9\(2\)](#)

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](#)