



Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 5

COMMON PROVISIONS

Cancellation of registration etc.

- 68 Cancellation of registration^{F1} in a childcare register: early years and later years providers]**
- (1) The Chief Inspector must cancel the registration of a person registered under Chapter 2, 3 or 4^{F2} in the early years register or the general childcare register] if it appears to him that the person has become disqualified from registration by regulations under section 75.
 - (2) The Chief Inspector may cancel the registration of a person registered under Chapter 2, 3 or 4^{F3} in the early years register or the general childcare register] if it appears to him—
 - (a) that the prescribed requirements for registration which apply in relation to the person's registration under that Chapter have ceased, or will cease, to be satisfied,
 - (b) that the person has failed to comply with a condition imposed on his registration under that Chapter,
 - (c) that he has failed to comply with a requirement imposed on him by regulations under that Chapter,
 - (d) in the case of a person registered under Chapter 2^{F4} in the early years register], that he has failed to comply with section 40(2)(a), or
 - (e) in any case, that he has failed to pay a prescribed fee.

Status: Point in time view as at 22/04/2014.

Changes to legislation: Childcare Act 2006, Cross Heading: Cancellation of registration etc. is up to date with all changes known to be in force on or before 09 June 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)

- (3) The Chief Inspector may cancel the registration of a person registered [^{F5}under Chapter 2 in the early years register as an early years childminder] if it appears to him that the person has not provided early years childminding for a period of more than three years during which he was registered.
- (4) The Chief Inspector may cancel the registration of a person registered [^{F6}under Chapter 3 in Part A of the general childcare register as a later years childminder] if it appears to him that the person has not provided later years childminding for a period of more than three years during which he was registered.
- (5) The Chief Inspector may cancel the registration of a person registered [^{F7}under Chapter 4 in Part B of the general childcare register as a childminder] if it appears to him that the person has provided neither early years childminding nor later years childminding for a period of more than three years during which he was registered.
- (6) Where a requirement to make any changes or additions to any services, equipment or premises has been imposed on a person registered under Chapter 2, 3 or 4 [^{F8}in the early years register or the general childcare register], his registration may not be cancelled on the ground of any defect or insufficiency in the services, equipment or premises if—
- (a) the time set for complying with the requirements has not expired, and
 - (b) it is shown that the defect or insufficiency is due to the changes or additions not having been made.

Textual Amendments

- F1** Words in s. 68 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. 33\(8\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 68(1) 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. 33\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 68(2) 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. 33\(3\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Words in s. 68(2)(d) 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. 33\(3\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F5** Words in s. 68(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. 33\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** Words in s. 68(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. 33\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F7** Words in s. 68(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. 33\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F8** Words in s. 68(6) 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. 33\(7\)](#); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

- I1** S. 68 in force at 6.4.2007 by S.I. 2007/1019, [art. 4](#)

Status: Point in time view as at 22/04/2014.

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69 Suspension of registration^{F9} in a childcare register: early years and later years providers]

- (1) Regulations may provide for the registration of a person registered under Chapter 2, 3 or 4^{F10} in the early years register or the general childcare register] to be suspended for a prescribed period in prescribed circumstances.
- (2) Regulations under subsection (1) must include provision conferring on the registered person a right of appeal to the Tribunal against suspension.
- (3) A person registered ^{F11}under Chapter 2 in the early years register as an early years childminder] may not provide early years childminding in England at any time when his registration under that Chapter is suspended in accordance with regulations under this section.
- (4) A person registered ^{F12}under Chapter 3 in Part A of the general childcare register as a later years childminder] may not provide later years childminding in England, for a child who has not attained the age of eight, at any time when his registration under that Chapter is suspended in accordance with regulations under this section.
- (5) Subsection (3) or (4) does not apply in relation to early years childminding or (as the case may be) later years childminding which the person may provide without being registered under Chapter 2 or 3.
- (6) A person registered ^{F13}under Chapter 2 in the early years register as an early years provider (other than an early years childminder)] may not provide early years provision on premises in England at any time when his registration under that Chapter in respect of the premises is suspended in accordance with regulations under this section.
- (7) A person registered ^{F14} under Chapter 3 in Part A of the general childcare register as a later years provider (other than a later years childminder)] may not provide later years provision on premises in England, for a child who has not attained the age of eight, at any time when his registration under that Chapter in respect of the premises is suspended in accordance with regulations under this section.
- (8) Subsection (6) or (7) does not apply in relation to early years provision or (as the case may be) later years provision which the person may provide without being registered under Chapter 2 or 3.
- (9) A person commits an offence if, without reasonable excuse, he contravenes subsection (3), (4), (6) or (7).
- (10) A person guilty of an offence under subsection (9) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) In this Part, “the Tribunal” means the ^{F15}First-tier Tribunal].

Textual Amendments

F9 Words in s. 69 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. 34(7); S.I. 2014/889, arts. 3(m), 7(e)

F10 Words in s. 69(1) 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. 34(2); S.I. 2014/889, arts. 3(m), 7(e)

Status: Point in time view as at 22/04/2014.

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- F11** Words in s. 69(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. 34(3)**; S.I. 2014/889, arts. 3(m), 7(e)
- F12** Words in s. 69(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. 34(4)**; S.I. 2014/889, arts. 3(m), 7(e)
- F13** Words in s. 69(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. 34(5)**; S.I. 2014/889, arts. 3(m), 7(e)
- F14** Words in s. 69(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. 34(6)**; S.I. 2014/889, arts. 3(m), 7(e)
- F15** Words in s. 69(11) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 221**

Commencement Information

- I2** S. 69 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**
- I3** S. 69 in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4**

[^{F16}69A Cancellation, termination and suspension of registration with a childminder agency

- (1) Regulations may make provision about the cancellation, termination and suspension of the registration of an early years provider or a later years provider with an early years childminder agency or a later years childminder agency for the purposes of Chapter 2, 3 or 4, in particular—
- (a) about the termination by an early years provider or a later years provider of his or her registration;
 - (b) for the creation of offences relating to things done while a registration is suspended;
 - (c) about the resolution of disputes between an early years provider or a later years provider and an early years childminder agency or a later years childminder agency.
- (2) Regulations by virtue of subsection (1) which make provision about the suspension of the registration of an early years provider or a later years provider with a childminder agency must include provision conferring on the registered provider a right of appeal to the Tribunal against suspension.
- (3) Regulations made by virtue of subsection (1)(b) may only create offences which are—
- (a) triable only summarily, and
 - (b) punishable only with a fine not exceeding the level specified in the regulations, which may not exceed level 5 on the standard scale.]

Textual Amendments

- F16** S. 69A inserted (1.4.2014 for specified purposes) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 35**; S.I. 2014/889, art. 3(m)

Status: Point in time view as at 22/04/2014.

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[^{F17}69B Cancellation of registration: childminder agencies

- (1) The Chief Inspector must cancel the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency if it appears to the Chief Inspector that the person has become disqualified from registration by regulations under section 76A.
- (2) The Chief Inspector may cancel the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency if it appears to the Chief Inspector—
 - (a) that the prescribed requirements for registration which apply in relation to the person's registration under that Chapter have ceased, or will cease, to be satisfied,
 - (b) that the person has failed to comply with a condition imposed on the registration under that Chapter,
 - (c) that the person has failed to comply with a requirement imposed by regulations under that Chapter,
 - (d) that the person has failed to comply with a requirement imposed by this Chapter, or by regulations under this Chapter, or
 - (e) that the person has failed to pay a prescribed fee.
- (3) Where a requirement to make any changes or additions to any services has been imposed on a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency, the person's registration may not be cancelled on the ground of any defect or insufficiency in the services, if—
 - (a) the time set for complying with the requirements has not expired, and
 - (b) it is shown that the defect or insufficiency is due to the changes or additions not having been made.
- (4) Regulations may make provision about the effect of the cancellation under this section of the registration under Chapter 2A or 3A of an early years childminder agency or a later years childminder agency on an early years provider or a later years provider registered with the agency for the purposes of Chapter 2, 3 or 4.

Textual Amendments

F17 S. 69B - S. 69C inserted (1.4.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 36](#); S.I. 2014/889, art. 3(m)

69C Suspension of registration: childminder agencies

- (1) Regulations may provide for the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency to be suspended for a prescribed period in prescribed circumstances.
- (2) Regulations under subsection (1) must include provision conferring on the registered person a right of appeal to the Tribunal against suspension.
- (3) Regulations under subsection (1) may make provision about the effect of the suspension of the registration of an early years childminder agency or a later years childminder agency on an early years provider or a later years provider registered with the agency for the purposes of Chapter 2, 3 or 4.

Status: Point in time view as at 22/04/2014.

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- (4) A person registered under Chapter 2A as an early years childminder agency may not, at any time when the person's registration under that Chapter is suspended in accordance with regulations under this section—
 - (a) exercise any functions of an early years childminder agency, or
 - (b) represent that the person may exercise such functions.
- (5) A person registered under Chapter 3A as a later years childminder agency may not, at any time when the person's registration under that Chapter is suspended in accordance with regulations under this section—
 - (a) exercise any functions of a later years childminder agency, or
 - (b) represent that the person may exercise such functions.
- (6) A person commits an offence if, without reasonable excuse, the person contravenes subsection (4) or (5).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.]

Textual Amendments

F17 S. 69B - S. 69C inserted (1.4.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 36](#); S.I. 2014/889, art. 3(m)

70 Voluntary removal from [^{F18}a childcare register: early years and later years providers]

- (1) A person registered under [^{F19}Chapter 2, 3 or 4] may give notice to the Chief Inspector that he wishes to be removed from the early years register or (as the case may be) from Part A or B of the general childcare register.
- (2) If a person gives notice under subsection (1) the Chief Inspector must remove him from the early years register or (as the case may be) from the relevant Part of the general childcare register.
- (3) The Chief Inspector must not act under subsection (2) if—
 - (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(2)) of his intention to cancel his registration, and
 - (b) the Chief Inspector has not decided that he no longer intends to take that step.
- (4) The Chief Inspector must not act under subsection (2) if—
 - (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(7)) of his decision to cancel his registration, and
 - (b) the time within which an appeal under section 74 may be brought has not expired or, if such an appeal has been brought, it has not been determined.
- (5) Subsections (3) and (4) do not apply if the person is seeking removal from Part B of the general childcare register.

Textual Amendments

F18 Words in s. 70 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. 37\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)

Status: Point in time view as at 22/04/2014.

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F19 Words in s. 70(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. 37\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

I4 S. 70 in force at 6.4.2007 by [S.I. 2007/1019](#), [art. 4](#)

[^{F20}70A Voluntary removal from a childcare register: childminder agencies

- (1) A person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency may give notice to the Chief Inspector of a wish to be removed from the early years register or (as the case may be) from Part A of the general childcare register.
- (2) If a person gives notice under subsection (1) the Chief Inspector must remove the person from the early years register or (as the case may be) from Part A of the general childcare register.
- (3) The Chief Inspector must not act under subsection (2) if—
 - (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(2)) of the Chief Inspector's intention to cancel the person's registration, and
 - (b) the Chief Inspector has not decided that he or she no longer intends to take that step.
- (4) The Chief Inspector must not act under subsection (2) if—
 - (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(7)) of the Chief Inspector's decision to cancel the person's registration, and
 - (b) the time within which an appeal under section 74 may be brought has not expired or, if such an appeal has been brought, it has not been determined.]

Textual Amendments

F20 S. 70A inserted (1.4.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 38](#); S.I. 2014/889, [art. 3\(m\)](#)

71 Termination of voluntary registration [^{F21}in Part B of the general childcare register] on expiry of prescribed period

Regulations may make provision requiring the Chief Inspector to remove a registered person from Part B of the general childcare register on the expiry of a prescribed period of time from the date of his registration.

Textual Amendments

F21 Words in s. 71 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. 39](#); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

I5 S. 71 in force at 20.12.2006 by [S.I. 2006/3360](#), [art. 2\(e\)](#)

Status:

Point in time view as at 22/04/2014.

Changes to legislation:

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