



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 5

#### COMMON PROVISIONS

#### *Miscellaneous*

#### **89 Fees**

- (1) Regulations may require persons registered under any of Chapters 2 to 4 to pay to the Chief Inspector at or by prescribed times fees of the prescribed amounts in respect of the discharge by the Chief Inspector of his functions under this Part.
- (2) Regulations under subsection (1) may prescribe circumstances in which—
  - (a) the amount of a fee payable under the regulations may be varied in accordance with the regulations;
  - (b) a fee payable under the regulations may be waived.

#### **90 Cases where consent to disclosure withheld**

- (1) This section applies where the Chief Inspector—
  - (a) is determining, for the purpose of deciding whether to grant an application for registration under Chapter 2, 3 or 4, whether the prescribed requirements for registration are satisfied and are likely to be continued to be satisfied, or
  - (b) is determining, for the purpose of deciding whether to cancel the registration of any person under section 68(2)(a), whether the prescribed requirements for registration have ceased, or will cease, to be satisfied.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The Chief Inspector may, if regulations so provide and he thinks it appropriate to do so, treat the prescribed requirements for registration as not being satisfied or (as the case may be) as having ceased to be satisfied if for the purpose of his determination—
- (a) the Chief Inspector has requested a person (“A”) to consent to the disclosure by another person (“B”) to the Chief Inspector of information which—
    - (i) relates to A,
    - (ii) is held by B, and
    - (iii) is of a prescribed description, and
  - (b) A does not give his consent or withdraws his consent after giving it.

## **91 Co-operation between authorities**

- (1) If it appears to the Chief Inspector that any English local authority could, by taking any specified action, help in the exercise of any of his functions under this Part, he may request the help of the authority, specifying the action in question.
- (2) An authority whose help is requested must comply with the request if it is compatible with their own statutory and other duties and does not unduly prejudice the discharge of any of their functions.

## **92 Combined certificates of registration**

- (1) This section applies if the Chief Inspector is required by virtue of this Part to issue more than one certificate of registration to a person.
- (2) If the Chief Inspector considers it appropriate, he may combine any two or more of those certificates in a single certificate (a combined certificate).
- (3) A combined certificate of registration must contain prescribed information about prescribed matters.
- (4) If there is a change of circumstances which requires the amendment of a combined certificate of registration, the Chief Inspector must give the registered person an amended combined certificate.
- (5) If the Chief Inspector is satisfied that a combined certificate of registration has been lost or destroyed, the Chief Inspector must give the registered person a copy, on payment by that person of any prescribed fee.

## **93 Notices**

- (1) This section applies in relation to notices required or authorised to be given to any person by any of the following—
  - (a) section 57(1) and (2);
  - (b) section 65(1) and (2);
  - (c) section 70(1);
  - (d) section 73(2), (4), (5), (7) and (9).
- (2) The notice may be given to the person in question—
  - (a) by delivering it to him,
  - (b) by sending it by post, or
  - (c) subject to subsection (3), by transmitting it electronically.

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*Status: This is the original version (as it was originally enacted).*

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- (3) If the notice is transmitted electronically, it is to be treated as given only if the requirements of subsection (4) or (5) are met.
- (4) If the person required or authorised to give the notice is the Chief Inspector—
  - (a) the person to whom the notice is required or authorised to be given must have indicated to the Chief Inspector his willingness to receive notices transmitted by electronic means and provided an address suitable for that purpose, and
  - (b) the notice must be sent to the address provided by him.
- (5) If the person required or authorised to give the notice is not the Chief Inspector, the notice must be transmitted in such manner as the Chief Inspector may require.
- (6) An indication given for the purposes of subsection (4) may be given generally for the purposes of notices required or authorised to be given by the Chief Inspector under this Part or may be limited to notices of a particular description.
- (7) A requirement imposed by the Chief Inspector under subsection (5) must be published in such manner as the Chief Inspector thinks appropriate for the purpose of bringing it to the attention of persons who are likely to be affected by it.
- (8) In relation to the taking of a step mentioned in subsection (1)(b) or (c) of section 73, notification authorised to be given to the Chief Inspector under subsection (4) or (9) of that section may be given orally to a person authorised by the Chief Inspector to receive such notification (as well as by any of the methods mentioned in subsection (2)).

#### **94 Power to amend Part 3: applications in respect of multiple premises**

The Secretary of State may by order—

- (a) amend this Part so as to enable an application for registration under section 36(1), 55(1) or 63(1) to be made in respect of more than one set of premises, and
- (b) make such further amendments of this Part as appear to him to be necessary or expedient in consequence of the amendments made by virtue of paragraph (a).

#### **95 Certain institutions not to be regarded as schools**

- (1) Section 4 of the Education Act 1996 (c. 56) (schools: general) is amended as follows.
- (2) In subsection (1) after “In this Act” insert “(subject to subsection (1A))”.
- (3) After subsection (1) insert—

“(1A) An institution which—

  - (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and
  - (b) is not a maintained nursery school,

is not a school.”