

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

CHILD CARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 3 – Regulation of Provision of Childcare in England

Chapter 2: Regulation of Early Years Provision

Section 44: Instruments specifying learning and development or welfare requirements

102. *Section 44* refers to a “relevant instrument”. *Subsection (5)* explains that a “relevant instrument” means a learning and development order (made under section 39(1)(a)) or regulations prescribing welfare requirements (made under section 39(1)(b)). A relevant instrument may, instead of setting out all the provisions to be made, give effect to provisions set out in a separate document.
103. Under *subsections (2) and (3)*, a relevant instrument may also confer powers and impose duties on the Chief Inspector in the exercise of his functions under Part 3. In particular it may require the Chief Inspector, in exercising these functions, to have regard to factors, standards and other matters prescribed by or referred to in the instrument.
104. *Subsection (4)* provides that where a relevant instrument requires a person other than the Chief Inspector to have regard to or meet factors, standards and other matters, it may also allow for any allegation that the person has failed to do so to be taken into account by the Chief Inspector in the exercise of his functions under Part 3 or in any proceedings under that Part.