



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 5

#### COMMON PROVISIONS

#### *Registration – procedural safeguards*

#### **73 Procedure for taking certain steps**

- (1) This section applies if the Chief Inspector proposes to take any of the following steps under this Part—
  - (a) refuse an application for registration;
  - (b) impose a new condition on a person's registration;
  - (c) vary or remove any condition imposed on a person's registration;
  - (d) refuse to grant an application for the variation or removal of any such condition;
  - (e) cancel a person's registration.
- (2) The Chief Inspector must give to the applicant or (as the case may be) the registered person notice of his intention to take the step in question.
- (3) The notice must—
  - (a) give the Chief Inspector's reasons for proposing to take the step, and
  - (b) inform the person concerned of [F1the person's] rights under this section.
- (4) The Chief Inspector may not take the step until the end of the period of 14 days beginning with the day on which he gives notice under subsection (2) unless the

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: Childcare Act 2006, Section 73 is up to date with all changes known to be in force on or before 23 May 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)*

- applicant or (as the case may be) the registered person notifies the Chief Inspector that [<sup>F2</sup>the applicant or registered person] does not wish to object to the step being taken.
- (5) If the recipient of a notice under subsection (2) (“the recipient”) gives notice to the Chief Inspector that [<sup>F3</sup>the recipient] wishes to object to the step being taken, the Chief Inspector must give [<sup>F4</sup>the recipient] an opportunity to object before deciding whether to take the step.
- (6) An objection made in pursuance of subsection (5) may be made orally or in writing and in either case may be made by the recipient or [<sup>F5</sup>the recipient's] representative.
- (7) If the Chief Inspector decides to take the step, he must give the recipient notice of his decision (whether or not the recipient informed the Chief Inspector that [<sup>F6</sup>the recipient] wished to object to the step being taken).
- (8) The taking of a step mentioned in paragraph (b), (c) or (e) of subsection (1) does not have effect until—
- (a) the expiry of the time within which an appeal may be brought under section 74, or
  - (b) if such an appeal is brought, the time when the appeal is determined (and the taking of the step is confirmed).
- (9) Subsection (8) does not prevent such a step having effect before the expiry of the time within which an appeal may be brought if the person concerned notifies the Chief Inspector that [<sup>F7</sup>the person] does not intend to appeal.
- (10) If the Chief Inspector gives notice to an applicant for registration under Chapter 2 or 3 that he intends to refuse [<sup>F8</sup>the] application, the application may not be withdrawn without the consent of the Chief Inspector.
- (11) In this section and in section 74, “a new condition” means a condition imposed otherwise than at the time of the person's registration.

#### Textual Amendments

- F1** Words in s. 73(3)(b) 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. 41\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 73(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. 41\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 73(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. 41\(4\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Words in s. 73(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. 41\(4\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F5** Words in s. 73(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. 41\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** Words in s. 73(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. 41\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

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- F7** Words in s. 73(9) 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. 41(7)**; S.I. 2014/889, arts. 3(m), 7(e)
- F8** Word in s. 73(10) 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. 41(8)**; S.I. 2014/889, arts. 3(m), 7(e)

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**Commencement Information**

- I1** S. 73 in force at 6.4.2007 by S.I. 2007/1019, **art. 4**

**Status:**

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