

SCHEDULES

SCHEDULE 1

EXEMPT USER-TO-USER AND SEARCH SERVICES

PART 2

PARAGRAPH 10 EXEMPTION: DESCRIPTIONS OF EDUCATION AND CHILDCARE

England

- 12 Early years childminding by an early years childminder registered under Chapter 2 of Part 3 of the Childcare Act 2006.
- 13 Early years provision by a person registered under Chapter 2 of Part 3 of that Act.
- 14 Later years childminding by a later years childminder registered under Chapter 3 of Part 3 of that Act.
- 15 Later years provision by a person registered under Chapter 3 of Part 3 of that Act.
- 16 Education or childcare in a maintained nursery school within the meaning of section 22 of the School Standards and Framework Act 1998.
- 17 Education or childcare in—
- (a) an Academy school, within the meaning of section 1A of the Academies Act 2010;
 - (b) an alternate provision Academy, within the meaning of section 1C of that Act;
 - (c) a maintained school, within the meaning of the School Standards and Framework Act 1998 (see section 20(7) of that Act);
 - (d) a non-maintained special school, being a school that is approved under section 342 of the Education Act 1996;
 - (e) an independent educational institution registered on the register maintained under section 95 of the Education and Skills Act 2008;
 - (f) a pupil referral unit, within the meaning of section 19 of the Education Act 1996.
- 18 Education in—
- (a) an institution in England within the further education sector, within the meaning of the Further and Higher Education Act 1992 (see section 91(3) of that Act);
 - (b) a 16 to 19 Academy, within the meaning of section 1B of the Academies Act 2010;
 - (c) a special post-16 institution, within the meaning of Part 3 of the Children and Families Act 2014 (see section 83(2) of that Act).
- 19 Education provided by an independent training provider.

Status: This is the original version (as it was originally enacted).

- 20 Further education for persons under 19 provided by a local authority in England.
- 21 In paragraphs 12 to 15, “early years childminding”, “early years provision”, “later years childminding” and “later years provision” have the same meaning as in Part 3 of the Childcare Act 2006 (see section 98 of that Act).
- 22 In paragraph 19, “independent training provider” means a provider—
- (a) that is a provider of post-16 education or training carried on, or partly carried on, in England—
 - (i) to which Chapter 3 of Part 8 of the Education and Inspections Act 2006 (inspection of further education and training etc) applies, and
 - (ii) which is funded, wholly or partly, by the Secretary of State, a local authority in England or a combined authority, but
 - (b) that is not—
 - (i) an employer who only provides such education or training to its employees,
 - (ii) a 16 to 19 Academy (within the meaning of section 1B of the Academies Act 2010),
 - (iii) a school,
 - (iv) a local authority in England,
 - (v) an institution within the further education sector (within the meaning given by section 91(3) of the Further and Higher Education Act 1992), or
 - (vi) a higher education provider (within the meaning given by section 83(1) of the Higher Education and Research Act 2017).
- 23 In paragraphs 20 and 22, “local authority in England” has the same meaning as in the Education Act 1996 (see sections 579(1) and 581 of that Act).
- 24 In paragraph 22—
- “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - “school” has the meaning given by section 4(1) of the Education Act 1996.

Scotland

- 25 Early learning and childcare, within the meaning of Part 6 of the Children and Young People (Scotland) Act 2014 (asp 8) (see section 46 of that Act).
- 26 Child minding, within the meaning of Part 5 of the Public Services Reform (Scotland) Act 2010 (asp 8) (see paragraph 12 of Schedule 12 to that Act).
- 27 Day care of children, within the meaning of Part 5 of that Act (see paragraph 13 of Schedule 12 to that Act).
- 28 Primary education, secondary education or childcare in—
- (a) a school, or
 - (b) a hostel used mainly by pupils attending a school;
- and in this paragraph “school” has the same meaning as in the Education (Scotland) Act 1980 (see section 135(1) of that Act).
- 29 Further education provided by a body listed under the heading “Institutions formerly eligible for funding by the Scottish Further Education Funding Council” or under

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the heading “Other institutions” in Schedule 2 to the Further and Higher Education (Scotland) Act 2005 ([asp 6](#)).

- 30 Further education provided by a college of further education which is assigned to a regional strategic body by an order made under section 7C(1) of that Act.

Wales

- 31 Child minding by a person who is registered as a child minder under Part 2 of the [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#).
- 32 Day care for children by a person who is registered to provide day care for children under Part 2 of that Measure.
- 33 Primary education, secondary education or childcare in a school in Wales, within the meaning of the Education Act 1996 as it applies in relation to Wales (see section 4 of that Act).
- 34 Education provided in accordance with section 19A of the Education Act 1996.
- 35 Further education in an institution in Wales within the further education sector, within the meaning of the Further and Higher Education Act 1992 (see section 91(3) of that Act).
- 36 Any other post-16 education or training in Wales, the facilities for which are secured under section 31(1)(a) or (b) or 32(1)(a) or (b) of the Learning and Skills Act 2000, that is funded by the Welsh Ministers or a local authority in Wales (within the meaning of section 579(1) of the Education Act 1996), but that is not provided by—
- (a) an institution in Wales within the higher education sector, within the meaning of the Further and Higher Education Act 1992 (see section 91(5) of that Act), or
 - (b) a person who is a provider of such post-16 education or training only by reason of providing such education or training to the person’s employees.
- 37 In paragraphs 31 and 32, “child minding” and “day care for children” have the same meaning as in Part 2 of the Children and Families (Wales) Measure 2010 (see section 19 of that Measure).

Northern Ireland

- 38 Childcare by persons who act as child minders or provide day care for children within the meaning of the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#)), and who are registered under Article 118 of that Order.
- 39 Pre-school education, within the meaning of Part 5 of the Education (Northern Ireland) Order 1998 ([S.I. 1998/1759 \(N.I. 13\)](#)) (see Article 17(8) of that Order).
- 40 Education in a nursery school, within the meaning of the Education and Libraries (Northern Ireland) Order 1986 ([S.I. 1986/594 \(N.I. 3\)](#)) (see Article 2(2) of that Order).
- 41 Education or childcare in a school, within the meaning of the Education and Libraries (Northern Ireland) Order 1986 (see Article 2(2) of that Order).
- 42 Education which is suitable education otherwise than at school provided in accordance with Article 86 of the Education (Northern Ireland) Order 1998.

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- 43 Education in an institution of further education, within the meaning of the Further Education (Northern Ireland) Order 1997 ([S.I. 1997/1772 \(N.I. 15\)](#)) (see Article 2(2) of that Order).
- 44 Education in agriculture and related subjects.