
STATUTORY INSTRUMENTS

2017 No. 361

The Childcare (Miscellaneous Amendments) Regulations 2017

Amendment of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012

4.—(1) The Early Years Foundation Stage (Welfare Requirements) Regulations 2012(1) are amended as follows.

(2) In regulation 2 (interpretation)(2)—

- (a) in the definition of “the Document”, for “31st March 2014 on the website of the Department for Education” substitute “3rd March 2017 on the gov.uk website”;
- (b) after the definition of “relevant person” insert—

““the relevant provisions of the Document” means the provisions in Section 3 of the Document that use the word “should”.”.

(3) For regulation 2A substitute—

“Review

2A.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in regulations 2 to 6 and in regulation 8A,
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 1st January 2021.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(3) requires that a review carried out under this article must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraphs 1(a) and 1(b),
- (b) assess the extent to which those objectives are achieved,
- (c) assess whether those objectives remain appropriate, and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 (see section 32 of that Act).”

(4) In regulation 3 (specification of the welfare requirements)(4)—

- (a) in paragraph (2), for “provisions in Section 3” substitute “obligatory provisions”;
- (b) after paragraph (2) insert—

(1) [S.I. 2012/938](#); relevant amending instruments are [S.I. 2014/912](#) and [S.I. 2015/1562](#).
(2) Amended by [S.I. 2014/912](#).
(3) [2015 c.26](#)
(4) Amended by [S.I. 2015/1562](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2A) In this regulation, “the obligatory provisions” means the provisions in Section 3 of the Document that, by virtue of their use of the word “must”, express requirements, except for those contained in paragraphs 3.16, 3.17, 3.18, 3.52, 3.53, 3.77 and 3.78.”; and

(c) in paragraph (3), for “Section 3” substitute “the relevant provisions”.

(5) In regulation 4 (requirement on Chief Inspector and early years childminder agencies)(5), for “Section 3” substitute “the relevant provisions”.

(6) In regulation 5(1)(b) (matters to be considered by the Chief Inspector)(6), for “Section 3” substitute “the relevant provisions”.

(7) In regulation 5A(b) (matters to be considered by early years childminder agencies)(7), for “Schedule 3” substitute “the relevant provisions”.

(8) In regulation 6(1)(b) (proceedings under Part 3 of the Childcare Act 2006)(8), for “Section 3” substitute “the relevant provisions”.

(5) Amended by [S.I. 2014/912](#).
(6) Amended by [S.I. 2014/912](#).
(7) Regulation 5A was added by [S.I. 2014/912](#).
(8) Amended by [S.I. 2014/912](#).