
STATUTORY INSTRUMENTS

2021 No. 1168

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare (Early Years Provision Free of Charge)
(Extended Entitlement) (Amendment) (No. 2) Regulations 2021**

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| <i>Made</i> | - - - - | <i>20th October 2021</i> |
| <i>Laid before Parliament</i> | | <i>22nd October 2021</i> |
| <i>Coming into force</i> | - - | <i>12th November 2021</i> |

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 1(2)(d), (3) and (4)(d)(ii) and 2(1) and 4(2) of the Childcare Act 2016⁽¹⁾.

In accordance with section 2(3) of that Act, these Regulations are made with the consent of the Treasury.

Citation, commencement, extent and application

1. These Regulations may be cited as the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) (No. 2) Regulations 2021 and come into force on 12th November 2021.

2. These Regulations extend to England and Wales.

3. These Regulations apply in relation to England only.

Amendment of the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016

4. The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016⁽²⁾ are amended as follows.

5. In regulation 12 (being in the United Kingdom)—

- (a) at the end of paragraph (2)(a)(ii) insert “or”;
- (b) at the end of paragraph (2)(b) for “; or” substitute “.”;
- (c) omit paragraph (2)(c); and
- (d) omit the definition of “EU Settlement Scheme” in paragraph (3).

(1) 2015 c. 5.

(2) S.I. 2016/1257. Relevant amendments made by S.I. 2017/1160, S.I. 2018/794 and S.I. 2021/674. There are other amendments which are not relevant to these Regulations.

20th October 2021

Will Quince
Parliamentary Under Secretary of State
Department for Education

James Morris
Rebecca Harris

18th October 2021

Two of the Lord's Commissioners of Her
Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make an amendment to the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016 (“the Regulations”).

Regulation 5 amends regulation 12 of the Regulations by omitting paragraph (2)(c). This enables a person from a prescribed state to continue to be eligible for 30 hours free childcare, where the application for leave to enter or remain under the EU Settlement Scheme has not yet been determined or there is an outstanding appeal. Such a person will be regarded as being in the United Kingdom for the purposes of regulation 11 of the Regulations under regulation 12(1)(a) as a person who is ordinarily resident in the United Kingdom.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.