



Childcare Act 2006

2006 CHAPTER 21

PART 1

GENERAL FUNCTIONS OF LOCAL AUTHORITY: ENGLAND

Miscellaneous

PROSPECTIVE

^{F1}14 Inspection

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Textual Amendments

^{F1} S. 14 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), Sch. 14 para. 109, Sch. 18 Pt. 5; S.I. 2007/935, art. 5(gg)(ii)

15 Powers of Secretary of State to secure proper performance etc.

[^{F2}(1) Section 496 of the 1996 Act (powers of Secretary of State to prevent unreasonable exercise of functions) applies in relation to the powers conferred or duties imposed on an English local authority by or under this Part as it applies in relation to the powers conferred or duties imposed on a local authority in England by or under the 1996 Act.]

(2) Section 497 of the 1996 Act (general default powers) applies in relation to the duties imposed on an English local authority by or for the purposes of this Part as it applies in relation to the duties imposed on a [^{F3}local authority in England] by or for the purposes of the 1996 Act.

[^{F4}(3) Section 497A of the 1996 Act (power to secure proper performance of a local authority's education functions) applies in relation to an English local authority's

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Changes to legislation: Childcare Act 2006, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 06 July 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)

functions under this Part as it applies in relation to the education functions of a local authority in England.

(3A) In subsection (3) “education functions” has the meaning given by section 579(1) of the 1996 Act.]

(4) Sections 497AA and 497B of the 1996 Act apply accordingly where powers under section 497A of that Act are exercised in relation to any of the functions of an English local authority under this Part.

^{F5}(5)

(6) In subsection (5) of section 497A of the 1996 Act, the reference to functions to which that section applies includes (for all purposes) functions of an English local authority under this Part.

(7) In this section, “the 1996 Act” means the Education Act 1996 (c. 56).

Textual Amendments

- F2** S. 15(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 58(2)(a)**
- F3** Words in s. 15(2) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 58(2)(b)**
- F4** S. 15(3)(3A) substituted for s. 15(3) (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 58(2)(c)**
- F5** S. 15(5) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 58(2)(d), **Sch. 3 Pt. 2**

Commencement Information

- I1** S. 15 in force at 1.4.2007 by [S.I. 2007/1019](#), **art. 3**

16 Amendments of Children Act 2004

(1) The Children Act 2004 (c. 31) is amended as follows.

(2) In section 18 (director of children's services), in subsection (2)—

- (a) omit the “and” at the end of paragraph (d), and
- (b) after paragraph (e) insert “; and
- (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006.”

(3) In section 23 (interpretation), in subsection (3) (which defines “children's services”)—

- (a) omit the “and” at the end of paragraph (b), and
- (b) after paragraph (c) insert “; and
- (d) any function conferred on a local authority under Part 1 of the Childcare Act 2006.”

Commencement Information

- I2** S. 16 in force at 1.4.2007 by [S.I. 2007/1019](#), **art. 3**

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17 Charges for early years provision at maintained school

- (1) Section 451 of the Education Act 1996 (prohibition of charges for provision of education) is amended as follows.
- (2) After subsection (2) insert—
 - “(2A) Regulations may, in relation to England, prescribe circumstances in which subsection (2) does not apply in relation to education which is early years provision (as defined by section 20 of the Childcare Act 2006) other than —
 - (a) early years provision provided in pursuance of the duty imposed by section 7 of that Act, or
 - (b) early years provision for a pupil who is of compulsory school age.”
- (3) In subsection (4) after paragraph (b) insert “or
 - (c) provided in pursuance of the duty imposed by section 7 of the Childcare Act 2006.”

Commencement Information

I3 S. 17 in force at 1.10.2007 by [S.I. 2007/2717](#), art. 2(a)

Status:

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