



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 2

#### REGULATION OF EARLY YEARS PROVISION

##### *Requirements to register*

### **33 Requirement to register: early years childminders**

- (1) A person may not provide early years childminding in England unless he is registered [<sup>F1</sup>as an early years childminder—
  - (a) in the early years register, or
  - (b) with an early years childminder agency.]
- (2) The Secretary of State may by order provide that, in circumstances specified in the order, subsection (1) does not apply in relation to early years childminding.
- (3) The circumstances specified in an order under subsection (2) may relate to one or more of the following matters (among others)—
  - (a) the person providing the early years childminding;
  - (b) the child or children for whom it is provided;
  - (c) the nature of the early years childminding;
  - (d) the premises on which it is provided;
  - (e) the times during which it is provided;
  - (f) the arrangements under which it is provided.

*Status: Point in time view as at 26/05/2015.*

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- (4) If it appears to the Chief Inspector that a person has provided early years childminding in contravention of subsection (1), he may serve a notice (“an enforcement notice”) on the person.
- (5) An enforcement notice may be served on a person—
  - (a) by delivering it to him, or
  - (b) by sending it by post.
- (6) An enforcement notice has effect until it is revoked by the Chief Inspector.
- (7) A person commits an offence if, at any time when an enforcement notice has effect in relation to him and without reasonable excuse, he provides early years childminding in contravention of subsection (1).
- (8) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F1** Words in s. 33(1) 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. 4](#); [S.I. 2014/889](#), arts. 3(m), 7(e)

#### Modifications etc. (not altering text)

- C1** S. 33(1) excluded (E.W.) (1.9.2008) by [Childcare \(Exemptions from Registration\) Order 2008 \(S.I. 2008/979\)](#), arts. 1(1), [2\(1\)](#), 3, 6, 8

#### Commencement Information

- I1** S. 33 in force at 1.10.2007 for specified purposes by [S.I. 2007/2717](#), [art. 2\(c\)](#)  
**I2** S. 33 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

### 34 Requirement to register: other early years providers

<sup>F2</sup>( 1 ) A person may not provide early years provision on premises in England which are not domestic premises unless the person is registered in the early years register in respect of the premises.

(1A) A person may not provide early years provision on domestic premises in England which would be early years childminding but for section 96(5) unless the person is registered—

- (a) in the early years register in respect of the premises, or
- (b) with an early years childminder agency in respect of the premises.]

(2) [<sup>F3</sup>Subsections (1) and (1A) do] not apply in relation to early years provision for a child or children who has (or have) attained the age of [<sup>F4</sup>two] if—

- (a) the provision is made at any of the following [<sup>F5</sup>institutions] as part of the [<sup>F5</sup>institution's] activities—
  - (i) a maintained school,
  - (ii) a school [<sup>F6</sup>approved ]under section 342 of the Education Act 1996 (c. 56) (approval of non-maintained special schools), or
  - (iii) [<sup>F7</sup>an independent educational institution],

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- (b) the provision is made by the proprietor of the [<sup>F8</sup>institution] or a person employed to work at the [<sup>F8</sup>institution], and
- [<sup>F9</sup>(c) where the provision is made at a school (including a school that is an independent educational institution)—
  - (i) the child is a registered pupil at the school, or
  - (ii) if the provision is made for more than one child, at least one of the children is a registered pupil at the school.]
- (3) The Secretary of State may by order provide that, in circumstances specified in the order, [<sup>F10</sup>subsections (1) and (1A) do] not apply in relation to early years provision.
- (4) The circumstances specified in an order under subsection (3) may relate to one or more of the following matters (among others)—
  - (a) the person providing the early years provision;
  - (b) the child or children for whom it is provided;
  - (c) the nature of the early years provision;
  - (d) the premises on which it is provided;
  - (e) the times during which it is provided;
  - (f) the arrangements under which it is provided.
- (5) A person commits an offence if, without reasonable excuse, he provides early years provision in contravention of subsection (1) [<sup>F11</sup>or (1A)].
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F2** S. 34(1)(1A) substituted for s. 34(1) (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. 5(2)**; S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 34(2) 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. 5(3)**; S.I. 2014/889, arts. 3(m), 7(e)
- F4** Word in s. 34(2) substituted (26.5.2015) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 75(1)**, 164(3)(e)
- F5** Word in s. 34(2)(a) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(2)(a)**; S.I. 2014/3364, art. 2(z)
- F6** Word in s. 34(2)(a)(ii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(2)(b)**; S.I. 2014/3364, art. 2(z)
- F7** Words in s. 34(2)(a)(iii) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(2)(c)**; S.I. 2014/3364, art. 2(z)
- F8** Word in s. 34(2)(b) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(3)**; S.I. 2014/3364, art. 2(z)
- F9** S. 34(2)(c) substituted (5.1.2015) by Education and Skills Act 2008 (c. 25), s. 173(4), **Sch. 1 para. 32(4)**; S.I. 2014/3364, art. 2(z)
- F10** Words in s. 34(3) 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. 5(4)**; S.I. 2014/889, arts. 3(m), 7(e)
- F11** Words in s. 34(5) inserted (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. 5(5)**; S.I. 2014/889, arts. 3(m), 7(e)

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**Modifications etc. (not altering text)**

- C2** S. 34(1) excluded (E.W.) (1.9.2008) by [Childcare \(Exemptions from Registration\) Order 2008 \(S.I. 2008/979\)](#), arts. 1(1), **2(2)**, arts. 4-9

**Commencement Information**

- I3** S. 34 in force at 1.10.2007 for specified purposes by [S.I. 2007/2717](#), **art. 2(c)**
- I4** S. 34 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

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