



Childcare Act 2006

2006 CHAPTER 21

PART 4

MISCELLANEOUS AND GENERAL

General

103 Minor and consequential amendments and repeals

- (1) Schedule 2 (which contains minor and consequential amendments) has effect.
- (2) The enactments specified in Schedule 3 are repealed to the extent specified.

Commencement Information

- I1** S. 103 partly in force; s. 103(1) in force at Royal Assent for certain purposes see s. 109(1)
- I2** S. 103(1) in force at 1.4.2007 for specified purposes for E. by S.I. 2007/1019, art. 3
- I3** S. 103(2) in force at 1.4.2007 for specified purposes by S.I. 2007/1019, art. 3

104 Subordinate legislation: general provisions

- (1) Any power of the Secretary of State or the Assembly to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) Any power of the Secretary of State or the Assembly to make an order or regulations under this Act includes power—
 - (a) to make different provision for different cases or areas;
 - (b) to make provision generally or in relation to specific cases;
 - (c) to make such incidental, supplementary, saving or transitional provision as the Secretary of State or the Assembly thinks fit.

Status: Point in time view as at 01/04/2007.

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105 Subordinate legislation: parliamentary control

- (1) A statutory instrument containing an order or regulations made by the Secretary of State under this Act is subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Subsection (1) does not apply to—
 - (a) an order under section 109(2) (commencement), or
 - (b) an order to which subsection (3) applies.
- (3) A statutory instrument which contains (whether alone or with other provisions) —
 - (a) an order under section 5,
 - (b) an order under section 41(4), or
 - (c) an order under section 94,
 may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

106 General interpretation etc.

In this Act—

- “the Assembly” means the National Assembly for Wales;
- “child” means a person under the age of 18;
- “English local authority” means—
 - (a) a county council in England;
 - (b) a metropolitan district council;
 - (c) a non-metropolitan district council for an area for which there is no county council;
 - (d) a London borough council;
 - (e) the Common Council of the City of London (in their capacity as a local authority);
 - (f) the Council of the Isles of Scilly;
- “independent school” has the same meaning as in the Education Act 1996 (c. 56);
- “maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;
- “maintained nursery school” has the same meaning as in the School Standards and Framework Act 1998 (c. 31);
- “parental responsibility” has the same meaning as in the Children Act 1989 (c. 41);
- “registered pupil” has the same meaning as in the Education Act 1996 (c. 56);
- “school” has the same meaning as in the Education Act 1996;
- “Welsh local authority” means a county council or county borough council in Wales;
- “well-being”, in relation to children, has the meaning given by section 1(2).

107 Financial provisions

There shall be paid out of money provided by Parliament—

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- (a) any expenses incurred by a Minister of the Crown or government department under or by virtue of this Act, and
- (b) any increase attributable to this Act in the sums which under any other Act are payable out of money so provided.

108 Isles of Scilly

Parts 1 and 3 and this Part, in their application to the Isles of Scilly, have effect subject to such exceptions, adaptations and modifications as the Secretary of State may by order prescribe.

109 Commencement

- (1) The following provisions come into force on the day on which this Act is passed—
 - this section,
 - sections 104 to 108,
 - sections 110 and 111, and
 - paragraph 1 of Schedule 2 (and section 103(1) so far as relating to that paragraph).
- (2) The other provisions of this Act come into force in accordance with provision made by order by the appropriate authority (as determined under section 110).

110 The appropriate authority by whom commencement order is made

- (1) This section has effect for determining who is the appropriate authority for the purposes of section 109(2).
- (2) In relation to Parts 1 and 3 (including Schedule 1) and sections 99 and 100, the appropriate authority is the Secretary of State.
- (3) In relation to Part 2 and section 101, the appropriate authority is the Assembly.
- (4) In relation to section 102, the appropriate authority is—
 - (a) in relation to England, the Secretary of State, and
 - (b) in relation to Wales, the Assembly.
- (5) In relation to section 103(1) and Schedule 2, the appropriate authority is—
 - (a) for paragraphs 18(5)(b) and (c), 20 to 24, 27, 31, 32(4) and 34 of that Schedule (and section 103(1) so far as relating to those provisions)—
 - (i) in relation to England, the Secretary of State, and
 - (ii) in relation to Wales, the Assembly,
 - (b) for paragraph 28 of that Schedule (and section 103(1) so far as relating to that paragraph), the Assembly, and
 - (c) for the other provisions of that Schedule to which section 109(2) applies (and section 103(1) so far as relating to those provisions), the Secretary of State.
- (6) In relation to section 103(2) and Schedule 3, the appropriate authority is—
 - (a) for a repeal contained in Part 1 of that Schedule, the Secretary of State, and
 - (b) for a repeal contained in Part 2 of that Schedule, the appropriate authority for the purposes of section 109(2) in relation to the provision on which the repeal is consequential.

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111 Short title and extent

- (1) This Act may be cited as the Childcare Act 2006.
- (2) Any amendment or repeal made by this Act has the same extent as the provision amended or repealed.
- (3) Except as provided by subsection (2), this Act extends to England and Wales only.

Status:

Point in time view as at 01/04/2007.

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