

Status: This version of this schedule contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Levelling-up and Regeneration Act 2023, Schedule 23. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 23 **E+W**

Section 237

USE OF NON-DOMESTIC PREMISES FOR CHILDCARE: REGISTRATION

Introductory

1 The Childcare Act 2006 is amended as follows.

Commencement Information

II Sch. 23 para. 1 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Early years provision

2 In section 32 (maintenance of the two childcare registers), after subsection (5) insert—

“(6) In this section—

- (a) a reference to persons registered as early years childminders is to be read as a reference to persons registered as early years childminders with domestic premises and to persons registered as early years childminders without domestic premises collectively;
- (b) a reference to persons registered as later years childminders is to be read as a reference to persons registered as later years childminders with domestic premises and to persons registered as later years childminders without domestic premises collectively;
- (c) a reference to persons registered as childminders by the Chief Inspector for the purposes of Chapter 4 is to be read as a reference to persons so registered as childminders with domestic premises and to persons so registered as childminders without domestic premises collectively.”

Commencement Information

I2 Sch. 23 para. 2 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

3 (1) Section 33 (requirement to register: early years childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1), in the words before paragraph (a)—

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(a) after “England” insert “, where some or all of the childminding is provided on domestic premises,”;

(b) after “childminder” insert “with domestic premises”.

Commencement Information

I3 Sch. 23 para. 3 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

4 (1) Section 34 (requirement to register: early years providers) is amended as follows.

(2) For subsections (1) and (1ZA) substitute—

“(1) A person may not provide early years provision on non-domestic premises in England unless—

(a) the person is registered in the early years register as an early years provider other than a childminder (whether or not the provision is or includes early years childminding), or

(b) the provision is early years childminding, none of which is provided on domestic premises, and the person is registered as an early years childminder without domestic premises—

(i) in the early years register, or

(ii) with an early years childminder agency.

(1ZA) Subsection (1)(a) does not apply to early years provision in respect of which the person providing it is required to be registered under section 33(1) or under subsection (1A).”

(3) In subsection (1A)—

(a) after “96(5)” insert “, and some or all of which is provided on domestic premises,”;

(b) after “registered” insert “as an early years provider other than a childminder”.

Commencement Information

I4 Sch. 23 para. 4 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

5 (1) Section 35 (applications for registration: early years childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1)—

(a) in paragraph (a), for “as an early years childminder in the early years register” substitute “in the early years register as an early years childminder with domestic premises”;

(b) in paragraph (b), at the end insert “with domestic premises”.

(4) In subsection (5), in each of paragraphs (aa) and (ab), after “as an early years childminder” insert “with domestic premises”.

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I5 Sch. 23 para. 5 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 6 (1) Section 36 (application for registration: other early years providers) is amended as follows.
- (2) In subsection (1), for the words from “to the Chief” to the end substitute “—
- (a) in any case, to the Chief Inspector for registration as an early years provider other than a childminder, or
 - (b) if the early years provision is early years childminding—
 - (i) to the Chief Inspector for registration as an early years childminder without domestic premises, or
 - (ii) to an early years childminder agency for registration with that agency as an early years childminder without domestic premises,
- (whether or not an application is also made under paragraph (a)).”
- (3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.
- (4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.
- (5) In subsection (5), after paragraph (ab) insert—
- “(ac) prohibiting the applicant from being registered in the early years register as an early years childminder without domestic premises if the applicant is registered with a childminder agency;
 - (ad) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder without domestic premises if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

Commencement Information

I6 Sch. 23 para. 6 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 7 (1) Section 37 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “36(1)” substitute “36(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if, in the case of an application under section 36(1)(a), the early years provision is or includes early years childminding)”.
- (4) After subsection (2) insert—
- “(2A) If an application under section 36(1)(b)(i) is granted, the Chief Inspector must—

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- (a) register the applicant in the early years register as an early years childminder without domestic premises, and
- (b) give the applicant a certificate of registration stating that the applicant is so registered.”

(5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.

Commencement Information

I7 Sch. 23 para. 7 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

8 (1) Section 37A (early years childminder agencies: registers and certificates) is amended as follows.

(2) In subsection (1)(a), after “childminder” insert “with domestic premises”.

(3) After subsection (1) insert—

“(1A) If an application under section 36(1)(b)(ii) is granted, the early years childminder agency must—

- (a) register the applicant in the register maintained by the agency as an early years childminder without domestic premises, and
- (b) give the applicant a certificate of registration stating that the applicant is so registered.”

(4) In subsection (3), after “(1)” insert “, (1A)”.

Commencement Information

I8 Sch. 23 para. 8 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Commencement Information

I2 Sch. 23 para. 2 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I3 Sch. 23 para. 3 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I4 Sch. 23 para. 4 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I5 Sch. 23 para. 5 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I6 Sch. 23 para. 6 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I7 Sch. 23 para. 7 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I8 Sch. 23 para. 8 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Later years provision

9 (1) Section 52 (requirement to register: later years childminders for children under eight) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1), in the words before paragraph (a)—

- (a) after “eight” insert “, where some or all of the childminding is provided on domestic premises,”;
- (b) after “childminder” insert “with domestic premises”.

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I9 Sch. 23 para. 9 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

10 (1) Section 53 (requirement to register: other later years providers for children under eight) is amended as follows.

(2) For subsections (1) and (1ZA) substitute—

“(1) A person may not provide, for a child who has not attained the age of eight, later years provision on non-domestic premises in England unless—

- (a) the person is registered in Part A of the general childcare register as a later years provider other than a childminder (whether or not the provision is or includes later years childminding), or
- (b) the provision is later years childminding, none of which is provided on domestic premises, and the person is registered as a later years childminder without domestic premises—
 - (i) in Part A of the general childcare register, or
 - (ii) with a later years childminder agency.

(1ZA) Subsection (1)(a) does not apply to later years provision in respect of which the person providing it is required to be registered under section 52(1) or under subsection (1A).”

(3) In subsection (1A)—

- (a) after “96(9)” insert “, and some or all of which is provided on domestic premises,”;
- (b) after “registered” insert “as a later years provider other than a childminder”.

Commencement Information

I10 Sch. 23 para. 10 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

11 (1) Section 54 (applications for registration: later years childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1)—

- (a) in paragraph (a), for “as a later years childminder in Part A of the general childcare register” substitute “in Part A of the general childcare register as a later years childminder with domestic premises”;
- (b) in paragraph (b), at the end insert “with domestic premises”.

(4) In subsection (5), in each of paragraphs (aa) and (ab), after “as a later years childminder” insert “with domestic premises”.

Commencement Information

I11 Sch. 23 para. 11 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

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- 12 (1) Section 55 (application for registration: other later years providers) is amended as follows.
- (2) In subsection (1), for the words from “to the Chief” to the end substitute “—
- (a) in any case, to the Chief Inspector for registration as a later years provider other than a childminder, or
 - (b) if the later years provision is later years childminding—
 - (i) to the Chief Inspector for registration as a later years childminder without domestic premises, or
 - (ii) to a later years childminder agency for registration with that agency as a later years childminder without domestic premises,
 (whether or not an application is also made under paragraph (a)).”
- (3) In each of subsections (3) and (4), for “subsection (1)” substitute “subsection (1)(a) or (b)(i)”.
- (4) In subsection (4A), after “subsection” insert “(1)(b)(ii) or”.
- (5) In subsection (5), after paragraph (ab) insert—
- “(ac) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder without domestic premises if the applicant is registered with a childminder agency;
 - (ad) prohibiting the applicant from being registered with a later years childminder agency as a later years childminder without domestic premises if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

Commencement Information

I12 Sch. 23 para. 12 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 13 (1) Section 56 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1), in paragraph (a), after “childminder” insert “with domestic premises”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “55(1)” substitute “55(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if, in the case of an application under section 55(1)(a), the later years provision is or includes later years childminding)”.
- (4) After subsection (2) insert—
- “(2A) If an application under section 55(1)(b)(i) is granted, the Chief Inspector must—
- (a) register the applicant in Part A of the general childcare register as a later years childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”

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(5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.

Commencement Information

I13 Sch. 23 para. 13 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

14 (1) Section 56A (later years childminder agencies: registers and certificates) is amended as follows.

(2) In subsection (1)(a), after “childminder” insert “with domestic premises”.

(3) After subsection (1) insert—

“(1A) If an application under section 55(1)(b)(ii) is granted, the later years childminder agency must—

- (a) register the applicant in the register maintained by the agency as a later years childminder without domestic premises, and
- (b) give the applicant a certificate of registration stating that the applicant is so registered.”

(4) In subsection (3), after “(1)” insert “, (1A)”.

Commencement Information

I14 Sch. 23 para. 14 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

15 In section 57 (special procedure for providers registered in the early years register), in subsection (1)—

(a) in the words before paragraph (a), after “childminder” insert “with or without domestic premises”;

(b) in paragraph (a), for “as a later years childminder” substitute “—

- (i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;
- (ii) otherwise, as a later years childminder without domestic premises”.

Commencement Information

I15 Sch. 23 para. 15 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

16 (1) Section 57A (special procedure for providers registered with early years childminder agencies) is amended as follows.

(2) In subsection (1)(a), after “childminder” insert “with or without domestic premises”.

(3) In subsection (2)(a), for “as a later years childminder” substitute “—

- (i) in the case of an early years childminder with domestic premises, as a later years childminder with domestic premises;
- (ii) otherwise, as a later years childminder without domestic premises”.

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I16 Sch. 23 para. 16 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

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I9 Sch. 23 para. 9 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I10 Sch. 23 para. 10 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I11 Sch. 23 para. 11 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I12 Sch. 23 para. 12 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I13 Sch. 23 para. 13 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I14 Sch. 23 para. 14 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I15 Sch. 23 para. 15 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I16 Sch. 23 para. 16 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Voluntary registration

17 (1) Section 62 (applications for registration on the general register: childminders) is amended as follows.

(2) In the heading, at the end insert “with domestic premises”.

(3) In subsection (1), in the words after paragraph (b)—

(a) before “may” insert “where some or all of the childminding is (or is to be) provided on domestic premises,”;

(b) at the end insert “with domestic premises”.

Commencement Information

I17 Sch. 23 para. 17 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

18 In section 63 (applications for registration on the general register: other childcare providers), for subsection (1) substitute—

“(A1) Subsection (1) applies to a person who provides or proposes to provide on premises in England—

(a) later years provision for a child who has attained the age of eight, or

(b) early years provision or later years provision for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3,

except where it is provision in respect of which an application for registration may be made under section 62.

(1) The person may make an application to the Chief Inspector—

(a) in any case, for registration in Part B of the general childcare register as a provider of childcare other than a childminder, or

(b) where the provision is early years childminding or later years childminding, for registration in Part B of the general childcare register as a childminder without domestic premises (whether or not an application is also made under paragraph (a)).”

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Commencement Information

I18 Sch. 23 para. 18 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 19 (1) Section 64 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1)(a), after “childminder” insert “with domestic premises”.
- (3) In subsection (2)—
- (a) in the words before paragraph (a), for “63(1)” substitute “63(1)(a)”;
 - (b) in paragraph (a), after “childminder” insert “(even if the childcare to be provided is or includes early years or later years childminding)”.
- (4) After subsection (2) insert—
- “(2A) If an application under section 63(1)(b) is granted, the Chief Inspector must—
- (a) register the applicant in Part B of the general childcare register as a childminder without domestic premises, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.”
- (5) In subsection (3), for “or (2)” substitute “, (2) or (2A)”.

Commencement Information

I19 Sch. 23 para. 19 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 20 In section 65 (special procedure for persons already registered in a childcare register), in subsection (1)—
- (a) in the words before paragraph (a), for the words from “a childminder” to “Part A of the general childcare register” substitute “an early years childminder with or without domestic premises in the early years register, or as a later years childminder with or without domestic premises in Part A of the general childcare register.”;
 - (b) in paragraph (a), after “childminder” insert “(as the case may be, with or without domestic premises)”.

Commencement Information

I20 Sch. 23 para. 20 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 21 (1) Section 65A (special procedure for persons already registered with a childminder agency) is amended as follows.
- (2) In subsection (1), in the words before paragraph (a)—
- (a) after the first “early years childminder” insert “with or without domestic premises”;
 - (b) after the first “later years childminder” insert “with or without domestic premises”.

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- (3) In subsection (2)(a), after “Chapter” insert “(as the case may be, with or without domestic premises)”.

Commencement Information

I21 Sch. 23 para. 21 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Commencement Information

I17 Sch. 23 para. 17 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I18 Sch. 23 para. 18 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I19 Sch. 23 para. 19 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I20 Sch. 23 para. 20 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I21 Sch. 23 para. 21 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Common provisions

- 22 (1) Section 68 (cancellation of registration in a childcare register: early years and later years providers) is amended as follows.
- (2) In subsection (3), for the words from “as an early years childminder” to the end substitute “—
- (a) as an early years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided early years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as an early years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided early years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”
- (3) In subsection (4), for the words from “as a later years childminder” to the end substitute “—
- (a) as a later years childminder with domestic premises if it appears to the Chief Inspector that the person has not provided later years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as a later years childminder without domestic premises if it appears to the Chief Inspector that the person has not provided later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”
- (4) In subsection (5), for the words from “as a childminder” to the end substitute “—
- (a) as a childminder with domestic premises if it appears to the Chief Inspector that the person has provided neither early years childminding nor later years childminding on domestic premises in England for a period of more than three years during which the person was registered;
 - (b) as a childminder without domestic premises if it appears to the Chief Inspector that the person has provided neither early

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years childminding nor later years childminding on non-domestic premises in England for a period of more than three years during which the person was registered.”

Commencement Information

I22 Sch. 23 para. 22 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 23 In section 69 (suspension of registration in a childcare register: early years and later years providers), in each of subsections (3) and (4), after “childminder” insert “with or without domestic premises”.

Commencement Information

I23 Sch. 23 para. 23 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

- 24 (1) Section 98 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1), in the definition of “domestic premises”, at the end insert “(and references to non-domestic premises are to be construed accordingly)”.
- (3) After subsection (1A) insert—
- “(1B) In this Part, references to a person registered—
- (a) as an early years childminder with domestic premises are to a person registered as such under section 37(1)(a) or 37A(1)(a);
 - (b) as an early years childminder without domestic premises are to a person registered as such under section 37(2A) or 37A(1A);
 - (c) as a later years childminder with domestic premises are to a person registered as such under section 56(1)(a) or 56A(1)(a);
 - (d) as a later years childminder without domestic premises are to a person registered as such under section 56(2A) or 56A(1A).”

Commencement Information

I24 Sch. 23 para. 24 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

Commencement Information

I22 Sch. 23 para. 22 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I23 Sch. 23 para. 23 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

I24 Sch. 23 para. 24 not in force at Royal Assent, see [s. 255\(9\)\(a\)](#)

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