

SCHEDULES

SCHEDULE 23

Section 237

USE OF NON-DOMESTIC PREMISES FOR CHILDCARE: REGISTRATION

Introductory

1 The Childcare Act 2006 is amended as follows.

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.”

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)—

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

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

Status: This is the original version (as it was originally enacted).

- (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”.
- 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”.
- 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;

Status: This is the original version (as it was originally enacted).

- (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;”.
- 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—
 - (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)”.
- 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)”.

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”.

Status: This is the original version (as it was originally enacted).

- 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”.
- 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”.
- 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)”.

Status: This is the original version (as it was originally enacted).

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

Status: This is the original version (as it was originally enacted).

- (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”.
- 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”.

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

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.”

Status: This is the original version (as it was originally enacted).

- (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 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.”
- 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”.
- 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).”