
STATUTORY INSTRUMENTS

2007 No. 2717 (C. 106)

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare Act 2006 (Commencement
No. 3 and Transitional Provision) Order 2007

Made - - - - 12th September 2007

The Secretary of State for Children, Schools and Families, in exercise of the powers conferred by sections 104(2) and 109(2) of the Childcare Act 2006⁽¹⁾, makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Childcare Act 2006 (Commencement No. 3 and Transitional Provision) Order 2007.

(2) In this Order “the Act” means the Childcare Act 2006.

Provisions of the Act coming into force on 1st October 2007

2. The following provisions of the Act come into force on 1st October 2007—

- (a) sections 8 (powers of local authority in relation to the provision of childcare), 9 (arrangements between local authority and childcare providers), 10 (charges where local authority provide childcare), 17 (charges for early years provision at maintained school) and 51 (interpretation of Chapter 2);
- (b) section 13 (duty to provide information, advice and training to childcare providers) in so far as it is not already in force;
- (c) sections 33 to 37, 49, 50(2), 52 to 56 and 59 to 61 for the purposes of making an order or regulations;
- (d) paragraph 2(1), (3) and (5) of Schedule 1 (and section 48 in so far as it relates to those sub-paragraphs of that paragraph);
- (e) paragraphs 4 and 32(1), (2), (3) and (5) of Schedule 2 (and section 103(1) in so far as it relates to those paragraphs);
- (f) in relation to England—

(1) 2006 c. 21. The power is exercisable, as respects the provisions set out in section 110(2), (5) and (6), by the Secretary of State.

(2) Section 50(4) of the Childcare Act 2006 was repealed by paragraph 111 of Schedule 14 and by Part 5 of Schedule 18 to the Education and Inspections Act 2006 (c. 40).

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paragraph 32(4) of Schedule 2 (and section 103(1) in so far as it relates to that paragraph), and
in Part 2 of Schedule 3 the repeal of section 119(5)(ab) of the School Standards and Framework Act 1998⁽³⁾ (and section 103(2) in so far as it relates to that provision).

Transitional Provision

3. Despite the amendment made by paragraph 2(5) of Schedule 1 to the Act, the definition of “funded nursery education” in section 23(5) of the Education Act 1997⁽⁴⁾ (as inserted by paragraph 1(6) of Schedule 17 to the Education Act 2002⁽⁵⁾) continues to have effect for the purposes of subsection (1) of that section until the coming into force of paragraph 2(2) and (4) of Schedule 1 to the Act.

12th September 2007

Beverley Hughes
Minister of State
Department for Children, Schools and Families

(3) 1998 c. 31.
(4) 1997 c. 44.
(5) 2002 c. 32.

EXPLANATORY NOTE

(This note is not part of the Order)

This is the third Commencement Order made under the Childcare Act 2006 (“the Act”). Article 2 sets out provisions of the Act coming into force on 1st October 2007 to the extent specified in each paragraph. Article 3 is a transitional provision relating to a provision commenced by Article 2(d).

Article 2(a) lists provisions in Parts 1 and 3 of the Act coming into force in full.

Article 2(b) brings section 13 into force to the extent that it is not already in force. Section 13 requires English local authorities (which are defined in section 106 of the Act) to provide information, advice and training on childcare in accordance with regulations. Those regulations are the Childcare Providers (Information, Advice and Training) Regulations 2007 (S.I. 2007/1797), which come into force on 1st October 2007.

Article 2(c) brings provisions in Part 3 of the Act into force for the purposes of making an order or regulations.

Article 2(d) brings amendments in Schedule 1 to the Act (amendments relating to the curriculum) relating to the functions of the Qualifications and Curriculum Authority into force, subject to a transitional provision. The transitional provision is in article 3, and provides that the definition of “funded nursery education” in section 23(5) of the Education Act 1997 (c. 44) (functions of the Authority in relation to curriculum and assessment) is to continue to have effect until the commencement of paragraph 2(2) and (4) of Schedule 1 to the Act. The definition is required to enable the Qualifications and Curriculum Authority to continue to exercise its functions in relation to children for whom funded nursery education is provided in England otherwise than at a maintained school or nursery school.

Article 2(e) brings provisions in Schedule 2 to the Act (minor and consequential amendments) into force. Paragraph 4 of Schedule 2 makes an amendment to section 18 of the Children Act 1989 (c. 41) (day care for pre-school and other children).

Article 2(e) also commences paragraph 32(1), (2), (3) and (5) of Schedule 2 to the Act. Article 2(f) commences paragraph 32(4) of Schedule 2 and an associated repeal in Schedule 3 to the Act in relation to England. These provisions amend section 119 of the School Standards and Framework Act 1998 (c. 31) so that a local education authority in England is no longer required to establish an early years development and childcare partnership.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 (partially)	20th December 2006	2006/3360
Section 11 (partially)	20th December 2006	2006/3360
Section 11 (remainder)	1st April 2007	2007/1019
Section 12 (partially)	20th December 2006	2006/3360

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 12 (partially)	1st May 2007	2007/1019
Section 13 (partially)	20th December 2006	2006/3360
Section 15	1st April 2007	2007/1019
Section 16	1st April 2007	2007/1019
Section 18	20th December 2006	2006/3360
Section 19	20th December 2006	2006/3360
Section 20	20th December 2006	2006/3360
Section 21	20th December 2006	2006/3360
Section 32 (partially)	6th April 2007	2007/1019
Section 39	20th December 2006	2006/3360
Section 41	20th December 2006	2006/3360
Section 42	20th December 2006	2006/3360
Section 43	20th December 2006	2006/3360
Section 44	20th December 2006	2006/3360
Section 45	20th December 2006	2006/3360
Section 46	20th December 2006	2006/3360
Section 62 (partially)	20th December 2006	2006/3360
Section 62 (partially)	6th April 2007	2007/1019
Section 63 (partially)	20th December 2006	2006/3360
Section 63 (partially)	6th April 2007	2007/1019
Section 64 (partially)	20th December 2006	2006/3360
Section 64 (remainder)	6th April 2007	2007/1019
Section 66	6th April 2007	2007/1019
Section 67 (partially)	20th December 2006	2006/3360
Section 67 (remainder)	6th April 2007	2007/1019
Section 68	6th April 2007	2007/1019
Section 69 (partially)	20th December 2006	2006/3360
Section 69 (remainder)	6th April 2007	2007/1019
Section 70	6th April 2007	2007/1019
Section 71	20th December 2006	2006/3360
Section 72	6th April 2007	2007/1019
Section 73	6th April 2007	2007/1019
Section 74 (partially)	20th December 2006	2006/3360

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 74 (remainder)	6th April 2007	2007/1019
Section 75	20th December 2006	2006/3360
Section 77	6th April 2007	2007/1019
Section 78	6th April 2007	2007/1019
Section 79	6th April 2007	2007/1019
Section 82	6th April 2007	2007/1019
Section 83 (partially)	20th December 2006	2006/3360
Section 83 (remainder)	6th April 2007	2007/1019
Section 84 (partially)	20th December 2006	2006/3360
Section 84 (remainder)	6th April 2007	2007/1019
Section 85	6th April 2007	2007/1019
Section 86	6th April 2007	2007/1019
Section 87	6th April 2007	2007/1019
Section 88	6th April 2007	2007/1019
Section 89	20th December 2006	2006/3360
Section 90 (partially)	20th December 2006	2006/3360
Section 90 (remainder)	6th April 2007	2007/1019
Section 91	6th April 2007	2007/1019
Section 92 (partially)	20th December 2006	2006/3360
Section 93	6th April 2007	2007/1019
Section 94	6th April 2007	2007/1019
Section 96 (partially)	20th December 2006	2006/3360
Section 96 (remainder)	6th April 2007	2007/1019
Section 97	6th April 2007	2007/1019
Section 98	20th December 2006	2006/3360
Section 99 (partially)	20th December 2006	2006/3360
Section 99 (remainder)	30th March 2007	2007/1019
Section 100	20th December 2006	2006/3360
Section 102 in relation to England	20th December 2006	2006/3360
Section 103(1) (partially)	1st April 2007 and 6th April 2007	2007/1019
Section 103(2) (partially)	1st April 2007 and 6th April 2007	2007/1019

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Schedule 2, paragraphs 2, 3, 19, 29(a), 37, 38, 39, 40 and 43	6th April 2007	2007/1019
Schedule 2, paragraph 31 (in relation to England)	1st April 2007	2007/1019
Schedule 3 Part 2 (partially)	1st April 2007 and 6th April 2007	2007/1019
Schedule 3 Part 2 (partially) in relation to England	1st April 2007	2007/1019