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DRAFT STATUTORY INSTRUMENTS

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**2016 No.**

**The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016**

**PART 2**

**A qualifying child of working parents**

**CHAPTER 3**

**Declaration in respect of a young child**

**Period of time for which the first declaration has effect**

**15.—**(1) In this regulation—

- (a) “declaration period” means the first declaration period or a subsequent declaration period;
- (b) “first declaration period” means the period described in paragraph (2);
- (c) “subsequent declaration period” means a period described in paragraph (3).

(2) The first declaration in respect of a young child has effect for a period of three months, subject to paragraphs (5), (6), (7) and (9), beginning with the day on which a determination that the criteria in section 1(2)(b), (c) and (d) of the Act are met in relation to the child is made by—

- (a) the Commissioners under regulation 17 or 21(6)(c); or
- (b) the Tribunal under regulation 24(4).

(3) At the end of the first declaration period, a series of consecutive new periods begins, each of which:

- (a) begins with the day after that on which the preceding period ends, subject to paragraph (4); and
- (b) lasts for three months, subject to paragraph (7).

(4) Each declaration period begins on the same day of a month except as follows—

- (a) if the first declaration period begins on the 31st day of a month, each subsequent declaration period begins on the last day of the month;
- (b) if the first declaration period begins on the 30th day of a month, each subsequent declaration period begins on the 30th day of the month, except in February where it shall begin on the 28th day or, in a leap year, the 29th day;
- (c) if the first declaration period begins on the 29th day of a month, each subsequent declaration period begins on the 29th day of the month, except in February when it is not a leap year, where it shall begin on the 28th day.

(5) Where the young child in respect of whom the declaration is being made is a child in respect of whom a childcare account under section 17(3) of the Childcare Payments Act 2014 is held, the Commissioners may vary the length of the first declaration period under this regulation for the

purpose of aligning the start of the next declaration period with the start of the next entitlement period under regulation 4 of the Childcare Payments Regulations 2015(1).

(6) Where a person who has already made a declaration in respect of a child makes a declaration in respect of a subsequent child, the Commissioners may vary the length of the first declaration period under this regulation in respect of the subsequent child for the purpose of aligning the start of the next declaration period with the start of the next declaration period in respect of the other child.

(7) Where a person who has already made a declaration in respect of a child becomes the partner of another person who has already made a declaration in respect of a child, the Commissioners may vary the length of any declaration period in respect of any child of the person, or partner, in respect of whom a declaration has been made for the purpose of aligning the start of the next declaration period for any of those children with that of another of those children.

(8) The maximum length of time by which the Commissioners may vary a declaration period under paragraphs (5) to (7) is two months.

(9) In circumstances other than those described in paragraphs (5) to (7), the Commissioners may vary the length of the first declaration period by a maximum of one month.