
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

PART 1

Preliminary

Interpretation

2.—(1) In these Regulations—

“the Act” means the Childcare Act 2016;

“the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs;

“declaration” means a declaration under section 1(2)(e) of the Act;

“early years childminder” has the meaning given by section 96(4)(1) of the Childcare Act 2006(2);

“early years childminder agency” has the meaning given by section 98(1)(3) of the Childcare Act 2006;

“early years provider” has the meaning given by section 96(3) of the Childcare Act 2006;

“early years provision” has the meaning given by section 96(2) of the Childcare Act 2006;

“early years provision inspection report” means a report under one of the following—

(a) section 162A of the Education Act 2002(4) as it had effect prior to the coming into force of section 169 of, and Schedule 2 to, the Education and Skills Act 2008(5) (whether by Her Majesty’s Chief Inspector of Education, Children’s Services and Skills or by a body approved by the Secretary of State for the purposes of section 162A of the Education Act 2002);

(b) section 5 of the Education Act 2005(6);

(c) section 50 of the Childcare Act 2006(7); or

(d) section 109 of the Education and Skills Act 2008;

“minimum weekly income” means—

(a) for a person—

(1) Section 96 was amended by section 76 of the Small Business, Enterprise and Employment Act 2015 (c. 26).

(2) 2006 c. 21.

(3) The definition in section 98(1) was amended by paragraph 62 of Schedule 4 to the Children and Families Act 2014 (c. 6).

(4) 2002 c. 32. Section 162A was inserted by paragraph 2 of Schedule 8 to the Education Act 2005 (c. 18) and amended by paragraph 73 of Schedule 14 to the Education and Inspections Act 2006 (c. 40).

(5) 2008 c. 25.

(6) 2005 c. 18. Section 5 was amended by paragraph 23 of Schedule 7 to the Education and Inspections Act 2006 (c. 40), paragraph 17 of Schedule 2 to the Academies Act 2010 (c. 32) and sections 40 and 41 of, and paragraph 15 of Schedule 13 to, the Education Act 2011 (c. 21).

(7) Section 50(4) was repealed by paragraph 1 of Schedule 18 to the Education and Inspections Act 2006 (c. 40).

- (i) not yet aged 25 years; or
- (ii) to whom the apprenticeship rate applies, as determined in accordance with regulation 5 of the National Minimum Wage Regulations 2015⁽⁸⁾,

the amount a person would be paid for 16 hours of work a week at the hourly rate for a person in that person's circumstances as set out in regulation 4A of the National Minimum Wage Regulations 2015;

- (b) for a person aged 25 years or older, the amount a person would be paid for 16 hours of work a week at the hourly rate set out in regulation 4 of the National Minimum Wage Regulations 2015;

“paid work” means work done for payment or in expectation of payment and does not include being engaged by a charitable or voluntary organisation, or as a volunteer, in circumstances in which the payment received by or due to be paid to the person is in respect of expenses;

“the Tribunal” means the First-tier Tribunal.

- (2) A person's age for the purposes of establishing that person's “minimum weekly income”—
 - (a) except in the circumstances in sub-paragraph (b), is that person's age when that person, or that person's partner, makes the declaration;
 - (b) under regulation 5 where that person is in paid work as a self-employed person and relies on regulation 5(1)(b)(ii) to meet the requirement of being in qualifying paid work, is that person's age at the start of the tax year in which the declaration made by that person or that person's partner falls.

⁽⁸⁾ S.I. 2015/621. Regulation 4 was amended by S.I. 2016/68. Regulation 4A was inserted by S.I. 2016/68. Regulation 5 was amended by S.I. 2015/971.