



Childcare Act 2006

2006 CHAPTER 21

PART 3 **E+W**

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 5 **E+W**

COMMON PROVISIONS

Registration – procedural safeguards

73 Procedure for taking certain steps **E+W**

- (1) This section applies if the Chief Inspector proposes to take any of the following steps under this Part—
 - (a) refuse an application for registration;
 - (b) impose a new condition on a person's registration;
 - (c) vary or remove any condition imposed on a person's registration;
 - (d) refuse to grant an application for the variation or removal of any such condition;
 - (e) cancel a person's registration.
- (2) The Chief Inspector must give to the applicant or (as the case may be) the registered person notice of his intention to take the step in question.
- (3) The notice must—
 - (a) give the Chief Inspector's reasons for proposing to take the step, and
 - (b) inform the person concerned of [F1the person's] rights under this section.
- (4) The Chief Inspector may not take the step until the end of the period of 14 days beginning with the day on which he gives notice under subsection (2) unless the

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- applicant or (as the case may be) the registered person notifies the Chief Inspector that [^{F2}the applicant or registered person] does not wish to object to the step being taken.
- (5) If the recipient of a notice under subsection (2) (“the recipient”) gives notice to the Chief Inspector that [^{F3}the recipient] wishes to object to the step being taken, the Chief Inspector must give [^{F4}the recipient] an opportunity to object before deciding whether to take the step.
- (6) An objection made in pursuance of subsection (5) may be made orally or in writing and in either case may be made by the recipient or [^{F5}the recipient's] representative.
- (7) If the Chief Inspector decides to take the step, he must give the recipient notice of his decision (whether or not the recipient informed the Chief Inspector that [^{F6}the recipient] wished to object to the step being taken).
- (8) The taking of a step mentioned in paragraph (b), (c) or (e) of subsection (1) does not have effect until—
- (a) the expiry of the time within which an appeal may be brought under section 74, or
 - (b) if such an appeal is brought, the time when the appeal is determined (and the taking of the step is confirmed).
- (9) Subsection (8) does not prevent such a step having effect before the expiry of the time within which an appeal may be brought if the person concerned notifies the Chief Inspector that [^{F7}the person] does not intend to appeal.
- (10) If the Chief Inspector gives notice to an applicant for registration under Chapter 2 or 3 that he intends to refuse [^{F8}the] application, the application may not be withdrawn without the consent of the Chief Inspector.
- (11) In this section and in section 74, “a new condition” means a condition imposed otherwise than at the time of the person's registration.

Textual Amendments

- F1** Words in s. 73(3)(b) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 73(4) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 73(5) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(4\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Words in s. 73(5) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(4\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F5** Words in s. 73(6) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** Words in s. 73(7) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

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- F7** Words in s. 73(9) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(7\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F8** Word in s. 73(10) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 41\(8\)](#); S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

- I1** S. 73 in force at 6.4.2007 by [S.I. 2007/1019](#), [art. 4](#)

74 Appeals [^{F9}relating to registration in a childcare register] **E+W**

- (1) An applicant for registration or (as the case may be) a registered person may appeal to the Tribunal against the taking of any of the following steps by the Chief Inspector under this Part—
- the refusal of [^{F10}the] application for registration;
 - the imposition of a new condition on [^{F11}the person's] registration;
 - the variation or removal of any condition imposed on [^{F12}the person's] registration;
 - the refusal of an application to vary or remove any such condition;
 - the cancellation of [^{F13}the person's] registration.
- (2) An applicant for registration or (as the case may be) a registered person may also appeal to the Tribunal against any other determination made by the Chief Inspector under this Part which is of a prescribed description.
- (3) A person against whom an order is made under section 72(2) may appeal to the Tribunal against the making of the order.
- (4) On an appeal the Tribunal must either—
- confirm the taking of the step, the making of the other determination or the making of the order (as the case may be), or
 - direct that it shall not have, or shall cease to have, effect.
- (5) Unless the Tribunal has confirmed the taking of a step mentioned in subsection (1)(a) or (e) or the making of an order under section 72(2) cancelling a person's registration, the Tribunal may also do either or both of the following—
- impose conditions on the registration of the person concerned;
 - vary or remove any condition previously imposed on [^{F14}the] registration.

Textual Amendments

- F9** Words in s. 74 inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 42\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F10** Word in s. 74(1)(a) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 42\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F11** Words in s. 74(1)(b) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 42\(2\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)

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- F12** Words in s. 74(1)(c) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 42(2)(c)**; S.I. 2014/889, arts. 3(m), 7(e)
- F13** Words in s. 74(1)(e) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 42(2)(d)**; S.I. 2014/889, arts. 3(m), 7(e)
- F14** Word in s. 74(5)(b) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 4 para. 42(3)**; S.I. 2014/889, arts. 3(m), 7(e)

Commencement Information

- I2** S. 74 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**
- I3** S. 74 in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4**

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