

*Status: Point in time view as at 03/11/2016.*

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## SCHEDULES

### SCHEDULE 1

Section 48

#### AMENDMENTS RELATING TO THE CURRICULUM

##### *Interpretation*

1 In this Schedule “the 2002 Act” means the Education Act 2002 (c. 32).

##### **Commencement Information**

**II** Sch. 1 para. 1 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

*F1* .....

##### **Textual Amendments**

**F1** Sch. 1 para. 2 and heading repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 16 Pt. 4**; [S.I. 2010/1151](#), **art. 2**, [Sch. 1](#)

**F12** .....

##### *Education Act 2002 (c. 32)*

3 (1) Section 76 of the 2002 Act (interpretation of Part 6) is amended as follows.

(2) For the definition of “assessment arrangements” substitute—

““assessment arrangements”, in relation to a key stage, means the arrangements for assessing pupils in respect of that stage for the purpose of ascertaining what they have achieved in relation to the attainment targets for that stage;”.

(3) Omit the definitions of “early learning goals”, “the foundation stage”, and “pupil”.

(4) In the definition of “school year”, omit the words from “and has a corresponding” to the end.

##### **Commencement Information**

**I2** Sch. 1 para. 3 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

4 Omit section 77 of the 2002 Act (meaning of “nursery education” and related expressions).

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**Commencement Information**

**I3** Sch. 1 para. 4 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 5 Omit section 78 of the 2002 Act (general requirements in relation to the curriculum), omit subsection (2).

**Commencement Information**

**I4** Sch. 1 para. 5 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 6 (1) Section 79 of the 2002 Act (duty to implement general requirements) is amended as follows.
- (2) For subsections (1) and (2) substitute—
- “(1) The Secretary of State shall exercise his functions with a view to securing that the curriculum for every maintained school or maintained nursery school satisfies the requirements of section 78.
- (2) Every local education authority in England shall exercise their functions with a view to securing that the curriculum for every maintained school or maintained nursery school which they maintain satisfies the requirements of section 78.”
- (3) In subsection (4)(b), omit the words from “or the” to “nursery school”.
- (4) Omit subsection (5).

**Commencement Information**

**I5** Sch. 1 para. 6 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 7 (1) Section 80 of the 2002 Act (basic curriculum for maintained school) is amended as follows.
- (2) In subsection (1)(b), for “who have attained the age of three” substitute “ who have ceased to be young children for the purposes of Part 1 of the Childcare Act 2006 ”.
- (3) In subsection (2)(a), for “a nursery class in a primary school” substitute “ pupils who are under compulsory school age ”.

**Commencement Information**

**I6** Sch. 1 para. 7 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 8 Omit section 81 of the 2002 Act (the foundation stage).

**Commencement Information**

**I7** Sch. 1 para. 8 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 9 Omit section 83 of the 2002 Act (curriculum requirements for the foundation stage).

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**Commencement Information**

**I8** Sch. 1 para. 9 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

10 (1) Section 87 of the 2002 Act (establishment of National Curriculum by order) is amended as follows.

(2) For subsection (1) substitute—

“(1) The Secretary of State shall so exercise the powers conferred by subsection (3) as to revise the National Curriculum for England whenever he considers it necessary or expedient to do so.”

(3) Omit subsection (2).

(4) In subsection (4), omit—

- (a) “(2) or”,
- (b) in paragraph (a), the words “the foundation stage or” and “educational programme or”, and
- (c) in paragraph (b), the words from “(or the timetables” to “education”.

(5) In subsection (5), omit “(2) or”.

(6) Omit subsection (6).

(7) In subsection (8), omit “(2)(c) or”.

(8) In subsection (10), omit—

- (a) “(6) or”, and
- (b) in paragraph (a) the words from “or” to “provided”.

<sup>F2</sup>(9) .....

**Textual Amendments**

**F2** Sch. 1 para. 10(9) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 16 Pt. 4**; [S.I. 2010/1151](#), art. 2, Sch. 1

**Commencement Information**

**I9** Sch. 1 para. 10 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

11 Omit section 89 of the 2002 Act (implementation in respect of nursery schools etc.).

**Commencement Information**

**I10** Sch. 1 para. 11 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

12 (1) Section 90 of the 2002 Act (development work and experiments) is amended as follows.

(2) In subsection (1), omit “or maintained nursery school”.

(3) In subsection (3), omit “or a maintained nursery school”.

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**Commencement Information**

**I11** Sch. 1 para. 12 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 13 In section 93 of the 2002 Act (temporary exceptions for individual pupils), in subsections (1) and (5), omit “or maintained nursery school”.

**Commencement Information**

**I12** Sch. 1 para. 13 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 14 In section 94 of the 2002 Act (information concerning directions under section 93), in subsection (4)(a), omit “or maintained nursery school”.

**Commencement Information**

**I13** Sch. 1 para. 14 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 15 In section 96 of the 2002 Act (procedure for making certain orders and regulations), in subsection (1)(a)—
- (a) omit “83(3)”, and
  - (b) for “87(2)(a) or (b) or (3)(a) or (b)” substitute “ 87(3)(a) or (b) ”.

**Commencement Information**

**I14** Sch. 1 para. 15 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

- 16 In section 210 of the 2002 Act (orders and regulations)—
- (a) omit subsection (3)(c), and
  - (b) in subsection (5)(b), for “87(2)(c) or (3)(c)” substitute “ 87(3)(c) ”.

**Commencement Information**

**I15** Sch. 1 para. 16 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Schs. 1, 2](#))

SCHEDULE 2

Section 103(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

*Local Authority Social Services Act 1970 (c. 42)*

- 1 In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) after the entry relating to the Children Act 1975 insert—

“Adoption Act 1976

Functions continuing to be exercisable  
by virtue of any transitional or saving

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provision made by or under the  
Adoption and Children Act 2002.”

*Magistrates' Courts Act 1980 (c. 43)*

<sup>F3</sup>2 .....

**Textual Amendments**

**F3** Sch. 2 para. 2 repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 10 para. 99](#) Table; [S.I. 2014/954](#), art. 2(d) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

*Supreme Court Act 1981 (c. 54)*

3 In Schedule 1 to the Supreme Court Act 1981 (distribution of business in High Court) in paragraph 3 (which deals with business assigned to the Family Division) after paragraph (e) insert—  
“(ea) proceedings under section 79 of the Childcare Act 2006;”

**Commencement Information**

**I16** [Sch. 2 para. 3](#) in force at 6.4.2007 by [S.I. 2007/1019](#), art. 4

*Children Act 1989 (c. 41)*

<sup>F4</sup>4 .....

**Textual Amendments**

**F4** Sch. 2 para. 4 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [233](#)

5 [<sup>F5</sup>In the heading of Part 10A of the Children Act 1989 (child minding and day care for children in England and Wales), omit “England and”.]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, [Sch. 1](#) (with [Schs. 2, 3](#))

**Commencement Information**

**I17** Sch. 2 para. 5 in force at 1.9.2008 by [S.I. 2008/2261](#), art. 2 (with [Schs. 1, 2](#))

6 [<sup>F5</sup> In Part 10A of the Children Act 1989 (including Schedule 9A) for “the registration authority”, “a registration authority” or “the authority”, wherever occurring, substitute (in each case) “ the Assembly ” . ]

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**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I18** Sch. 2 para. 6 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 7 <sup>[F5]</sup> In section 79B of the Children Act 1989 (other definitions etc.)—
- (a) omit subsection (1),
  - (b) for subsection (2) substitute—
    - “(2) In this Act “ the Assembly ” means the National Assembly for Wales. ”, and
  - (c) for subsection (7) substitute—
    - “(7) “ Regulations ” means regulations made by the Assembly. ”]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I19** Sch. 2 para. 7 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 8 <sup>[F5]</sup> In section 79C of the Children Act 1989 (regulations etc. governing child minders and day care providers), omit subsections (1), (4) and (5). ]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I20** Sch. 2 para. 8 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 9 <sup>[F5]</sup> In section 79D of the Children Act 1989 (requirement to register)—
- (a) for subsection (1) substitute—
    - “(1) No person shall act as a child minder in Wales unless he is registered under this Part for child minding by the Assembly.”,
  - (b) in subsection (4) omit the words “(whether the contravention occurs in England or Wales)”, and
  - (c) in subsection (5), after “premises” insert “ in Wales ” . ]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

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#### Commencement Information

**I21** Sch. 2 para. 9 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

10 <sup>[F5]</sup>In section 79H of the Children Act 1989 (suspension of registration), omit subsection (3).]

#### Textual Amendments

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), [s. 75\(3\)](#), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

**I22** Sch. 2 para. 10 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

11 <sup>[F5]</sup> In section 79K of the Children Act 1989 (protection of children in an emergency), in subsection (1) after “registered” insert “ under this Part ” . ]

#### Textual Amendments

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), [s. 75\(3\)](#), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

**I23** Sch. 2 para. 11 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

12 <sup>[F5]</sup>Omit sections 79N, 79Q and 79R of the Children Act 1989 (which relate only to England).]

#### Textual Amendments

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), [s. 75\(3\)](#), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

**I24** Sch. 2 para. 12 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

13 <sup>[F5]</sup>In section 79S of the Children Act 1989 (general functions of the Assembly), in subsection (2) omit the words from “but the regulations” to the end of the subsection.]

#### Textual Amendments

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), [s. 75\(3\)](#), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

**I25** Sch. 2 para. 13 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

14 <sup>[F5]</sup> In section 79U of the Children Act 1989 (rights of entry etc. ) in subsection (1) omit “England or” . ]

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**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I26** Sch. 2 para. 14 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 15 <sup>[F5]</sup> In section 79V of the Children Act 1989 (function of local authorities), after “local authority” insert “ in Wales ” . ]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I27** Sch. 2 para. 15 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 16 <sup>[F5]</sup> In section 79W of the Children Act 1989 (requirement for certificate of suitability), in subsection (1) after “children” (in the first place where it occurs) insert “ in Wales ” . ]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I28** Sch. 2 para. 16 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 17 <sup>[F5]</sup> In section 105 of the Children Act 1989 (interpretation) in subsection (5A)(b) omit “England and”.]

**Textual Amendments**

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I29** Sch. 2 para. 17 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 18 <sup>[F5]</sup> ( 1 ) Schedule 9A to the Children Act 1989 (child minding and day care for young children) is amended as follows.

( 2 ) In the heading, after “children” insert “ in Wales ” .

( 3 ) In paragraph 1 (exemption of certain schools), in sub-paragraph (1)(c), omit “the Secretary of State or”.

( 4 ) In paragraph 4 (disqualification for registration)—



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- (a) in sub-paragraph (1), after “day care” insert “ in Wales ” ,
  - (b) in sub-paragraph (2)(f), after “Part XA” insert “ , or Part 3 of the Childcare Act 2006, ” ,
  - (c) in sub-paragraph (3), after “day care” (in each place where it occurs) insert “ in Wales ” ,
  - (d) in sub-paragraph (4), after “day care” (in each place where it occurs) insert “ in Wales ” , and
  - (e) in sub-paragraph (5), after “day care” (in each place where it occurs) insert “ in Wales ” .
- (5) In paragraph 5 (offences relating to disqualification)—
- (a) in sub-paragraph (1)(a)—
    - (i) after “child minder” insert “ in Wales ” ,
    - (ii) after “child minding” insert “ in Wales ” ,
  - (b) in sub-paragraph (1)(b) for “any of sub-paragraphs (3) to (5)” substitute “ sub-paragraph (4) or (5) ” , and
  - (c) for sub-paragraph (2) substitute—

“(2) A person who contravenes sub-paragraph (4) of paragraph 4 shall not be guilty of an offence under this paragraph if—

    - (a) he is disqualified for registration by virtue only of regulations made under sub-paragraph (3) of paragraph 4, and
    - (b) he proves that he did not know, and had no reasonable grounds for believing, that he was living in the same household as a person who was disqualified for registration or in a household in which such a person was employed.”
- (6) In paragraph 6 (certificates of registration), in sub-paragraph (5)—
- (a) in paragraph (a) for “(in England or in Wales)” substitute “ in Wales ” , and
  - (b) in paragraph (b) after “any premises” insert “ in Wales ” .
- (7) In paragraph 8 (co-operation between authorities), omit sub-paragraph (1).]

#### Textual Amendments

**F5** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

**I30** Sch. 2 para. 18(1)-(4) (5)(a) (7) in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

**I31** Sch. 2 para. 18(5)(b)(c) in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

#### *Water Industry Act 1991 (c. 56)*

- 19 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges) for paragraph 12 substitute—
- “12 (1) Premises in England which are used for the provision of childcare by a person who is registered (otherwise than as a childminder) under Part 3 of the Childcare Act 2006 in respect of the premises.

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- (2) Premises in Wales which are used for the provision of day care for children by a person who is registered under Part 10A of the Children Act 1989 in respect of the premises.”

**Commencement Information**

**I32** Sch. 2 para. 19 in force at 6.4.2007 by S.I. 2007/1019, art. 4 (with art. 6, Sch. para. 4)

*Education Act 1996 (c. 56)*

- 20 In the heading to section 17 of the Education Act 1996, for “nursery education” substitute “nursery schools”.

**Commencement Information**

**I33** Sch. 2 para. 20 in force at 1.9.2008 for E. by S.I. 2008/2261, art. 2 (with Sch. 1)

<sup>F6</sup>21 .....

**Textual Amendments**

**F6** Sch. 2 para. 21 omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 16(4)(c); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

- 22 (1) Section 329A of the Education Act 1996 (review or assessment of educational needs at request of responsible body) is amended as follows.
- (2) In subsection (11), for “relevant nursery education” substitute “relevant early years education”.
- (3) In subsection (13)(c), for “nursery”, in both places, substitute “early years”.

<sup>F7</sup>(4) .....

**Textual Amendments**

**F7** Sch. 2 para. 22(4) omitted (1.9.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), Sch. 3 para. 20(4); S.I. 2014/889, art. 7(a) (with savings and transitional provisions in S.I. 2014/2270 (as amended (1.4.2015) by S.I. 2015/505)

**Commencement Information**

**I34** Sch. 2 para. 22 in force at 1.9.2008 for E. by S.I. 2008/2261, art. 2 (with Sch. 1)

- 23 In section 509A of the Education Act 1996 (travel arrangements for children receiving nursery education otherwise than at school)—
- (a) in the heading and in each of subsections (1), (3) and (4) for “nursery education” substitute “early years education”, and
- (b) for subsection (5) substitute—

“(5) In this section “relevant early years education” means—

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- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
- (b) in relation to Wales, nursery education which is provided—
  - (i) by a local education authority in Wales, or
  - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

#### Commencement Information

**I35** Sch. 2 para. 23 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

24 In section 512 of the Education Act 1996 (LEA functions concerning provision of meals etc.)—

- (a) in subsection (1)(c) for “relevant funded nursery education” substitute “relevant funded early years education”, and
- (b) in subsection (6) for the definition of “relevant funded nursery education” substitute—

““relevant funded early years education”, in relation to a local education authority in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

“relevant funded early years education”, in relation to a local education authority in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—

- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
- (b) in consideration of financial assistance provided by the authority under those arrangements.”

#### Commencement Information

**I36** Sch. 2 para. 24 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

*Status: Point in time view as at 03/11/2016.*

*Changes to legislation: Childcare Act 2006 is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- 25 (1) Section 515 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “ in England or Wales or to a registered early years provider in England ”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “ or (as the case may be) the registered early years provider ”, and
  - (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
    - (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”
- (4) For subsection (4) substitute—
- “(4) In this section—
- “day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);
- “registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

**Commencement Information**

**I37** Sch. 2 para. 25 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

- 26 (1) Section 535 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.
- (2) In subsection (1) after “a day nursery” insert “ in England or Wales or to a registered early years provider in England ”.
- (3) In subsection (3)—
- (a) in paragraph (b) after “the day nursery” insert “ or (as the case may be) the registered early years provider ”, and
  - (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
    - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
    - (ii) in relation to Wales, where the teacher's school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”
- (4) For subsection (4) substitute—
- “(4) In this section—

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“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

**Commencement Information**

**I38** Sch. 2 para. 26 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

27 (1) Section 548 of the Education Act 1996 (no right to give corporal punishment) is amended as follows.

(2) In subsection (1)(c) for “specified nursery education” substitute “ specified early years education ”.

(3) For subsection (8) substitute—

“(8) “Specified early years education” means—

(a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);

(b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(i) by a local education authority in Wales, or

(ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

**Commencement Information**

**I39** Sch. 2 para. 27 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

*Education Act 1997 (c. 44)*

28 In section 38 of the Education Act 1997 (inspection of local education authorities), in subsection (2A)(b), after “sections 25 and 26” insert “ of the Children Act 2004 ”.

**Commencement Information**

**I40** Sch. 2 para. 28 in force at 1.4.2008 by [S.I. 2008/17](#), [art. 3\(b\)](#)

*Police Act 1997 (c. 50)*

29 In section 113F of the Police Act 1997 (criminal record certificates: supplementary), in subsection (1)—

(a) before paragraph (a) insert—

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- “(za) for the purposes of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England) and regulations made under it, the applicant’s suitability to look after or be in regular contact with children;”,
- (b) in paragraph (a), omit the words “England and”, and
- (c) in paragraph (c) omit the words “section 71 of the Children Act 1989 or”.

**Commencement Information**

- I41** Sch. 2 para. 29(b)(c) in force at 1.9.2008 by S.I. 2008/2261, art. 2 (with Sch. 1)  
**I42** Sch. 2 para. 29(a) in force at 6.4.2007 by S.I. 2007/1019, art. 4

*School Standards and Framework Act 1998 (c. 31)*

- 30 In section 118 of the School Standards and Framework Act 1998 (duty of LEA as respects availability of nursery education)—
- (a) in subsection (1) after “a local education authority” insert “ in Wales ”, and
  - (b) in subsection (2)(b) for “the Secretary of State” substitute “ the National Assembly for Wales ”.

**Commencement Information**

- I43** Sch. 2 para. 30 in force at 1.9.2008 by S.I. 2008/2261, art. 2 (with Sch. 1)

- 31 Section 118A of the School Standards and Framework Act 1998 (duties of LEA in respect of childcare) is omitted.

**Commencement Information**

- I44** Sch. 2 para. 31 in force at 1.4.2007 for E. by S.I. 2007/1019, art. 3

- 32 (1) Section 119 of the School Standards and Framework Act 1998 (early years development and childcare partnerships) is amended as follows.
- (2) In subsection (1), after “local education authority” insert “ in Wales ”.
  - (3) In subsection (2), for “the Secretary of State” substitute “ the Assembly ”.
  - (4) In subsection (5), omit paragraph (ab).
  - (5) In subsection (6), for “The Secretary of State” substitute “ The Assembly ”.

**Commencement Information**

- I45** Sch. 2 para. 32(1)-(3) (5) in force at 1.10.2007 by S.I. 2007/2717, art. 2(e)  
**I46** Sch. 2 para. 32(4) in force at 1.10.2007 for E. by S.I. 2007/2717, art. 2(f)

- 33 (1) Section 122 of the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.
- (2) In the heading, after “nursery education” insert “ in Wales ”.

*Status: Point in time view as at 03/11/2016.*

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(3) In subsection (1), after “nursery education” insert “ in Wales ”.

**Commencement Information**

**I47** Sch. 2 para. 33 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

34 In section 123 of the School Standards and Framework Act 1998 (children with special educational needs)—

- (a) in subsections (1)(a), (2) and (3A) for “relevant nursery education” substitute “ relevant early years education ”, and
- (b) for subsection (4) substitute—

“(4) In this section “relevant early years education” means—

- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
- (b) in relation to Wales, nursery education which is provided—
  - (i) by a local education authority in Wales, or
  - (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118.”

**Commencement Information**

**I48** Sch. 2 para. 34 in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

35 In section 142 of the School Standards and Framework Act 1998 (general interpretation) for subsection (5) substitute—

“(5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if—

- (a) in the case of a school in England, they are admitted for early years provision as defined by section 20 of the Childcare Act 2006 and are not, or are not to be, placed on admission in a reception class or any more senior class, and
- (b) in the case of a school in Wales, if they are, or are to be, placed on admission in a nursery class.”

**Commencement Information**

**I49** Sch. 2 para. 35 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

36 (1) Schedule 26 to the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.

(2) In the title of the Schedule after “nursery education” insert “ in Wales ”.

*Status: Point in time view as at 03/11/2016.*

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- (3) In paragraph 1(1)—
- (a) in paragraph (za) after “school” (in each place where it occurs) insert “ in Wales ”;
  - (b) in paragraph (a) after “local education authority” insert “ in Wales ”;
  - (c) in paragraph (b) after “local education authority” insert “ in Wales ”.
- (4) In paragraph 1(2) after “local education authority” insert “ in Wales ”.
- (5) In paragraph 1(3)(b)(ii) after “local education authority” insert “ in Wales ”.
- (6) In paragraph 2(1)—
- (a) omit paragraph (a), and
  - (b) for paragraph (c) substitute—
    - (c) “the Chief Inspector” (without more) means the Chief Inspector for Wales.”
- (7) For paragraph 2(5) substitute—
- “(5) In this Schedule, “well-being” in relation to children for whom nursery education is provided in Wales, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004.”
- (8) In paragraph 3 for “the Secretary of State” substitute “ the Assembly ”.
- (9) In paragraph 4—
- (a) for “the Secretary of State” (in both places where it occurs) substitute “ the Assembly ”, and
  - (b) for “the Secretary of State's” substitute “ the Assembly's ”.
- (10) In paragraph 5 for “the Secretary of State” substitute “ the Assembly ”.
- (11) Omit the following—
- (a) paragraph 6A,
  - (b) in the cross-heading before paragraph 7, the words “6A or”,
  - (c) in paragraph 7, the words “6A or”,
  - (d) paragraph 13A,
  - (e) paragraph 14(1),
  - (f) in paragraph 16, the words “6A or”, and
  - (g) in paragraph 18, sub-paragraphs (1)(a) and (4)(a).

**Commencement Information**

**I50** Sch. 2 para. 36 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

*Protection of Children Act 1999 (c. 14)*

- 37 In section 2A of the Protection of Children Act 1999 (power of certain authorities to refer individuals for inclusion in list of persons considered unsuitable to work with children), in subsection (1)(a) for “or Part XA of the Children Act 1989” substitute “, Part 10A of the Children Act 1989 or Part 3 of the Childcare Act 2006 ”.



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**Commencement Information**

**I51** Sch. 2 para. 37 in force at 6.4.2007 by S.I. 2007/1019, art. 4

38 In section 9 of the Protection of Children Act 1999 (the Tribunal), in subsection (2)

- (a) omit the “or” at the end of paragraph (e), and
- (b) at the end of paragraph (f) insert “or
- (g) on an appeal under, or by virtue of, Part 3 of the Childcare Act 2006.”

**Commencement Information**

**I52** Sch. 2 para. 38 in force at 6.4.2007 by S.I. 2007/1019, art. 4

*Criminal Justice and Court Services Act 2000 (c. 43)*

39 In section 36 of the Criminal Justice and Court Services Act 2000 (meaning of “regulated position”) in subsection (13) for paragraph (c) substitute—

- “(c) in relation to England—
  - (i) a person registered under Part 3 of the Childcare Act 2006, otherwise than as a childminder, for providing care on premises on which the child is cared for,
  - (ii) a person registered under Part 3 of that Act as a childminder who is providing early years or later years childminding (within the meaning of that Part of that Act) for the child,
- (ca) in relation to Wales, a person registered under Part 10A of the Children Act 1989 for providing day care on premises on which the child is cared for, and”.

**Commencement Information**

**I53** Sch. 2 para. 39 in force at 6.4.2007 by S.I. 2007/1019, art. 4 (with art. 6, Sch. para. 5)

40 In section 42 of the Criminal Justice and Court Services Act 2000 (interpretation of Part 2) in subsection (1) for the definition of “day care premises” substitute—

- ““day care premises” means—
- (a) in relation to England, premises in respect of which a person is registered, otherwise than as a childminder, under Part 3 of the Childcare Act 2006,
  - (b) in relation to Wales, premises in respect of which a person is registered under Part 10A of the Children Act 1989 for providing day care.”.

**Commencement Information**

**I54** Sch. 2 para. 40 in force at 6.4.2007 by S.I. 2007/1019, art. 4 (with art. 6, Sch. para. 6)

*Status: Point in time view as at 03/11/2016.*

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*Education Act 2002 (c. 32)*

- 41 In section 153 of the Education Act 2002 (powers of LEA in respect of funded nursery education)—
- (a) in subsection (1), after “local education authority” insert “ in Wales ”, and
  - (b) in subsection (2)(a), omit “the Secretary of State or (as respects local education authorities in Wales)”.

**Commencement Information**

**I55** Sch. 2 para. 41 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Sch. 1](#))

PROSPECTIVE

<sup>F8</sup>42 .....

**Textual Amendments**

**F8** Sch. 2 para. 42 repealed (1.9.2007 for E., 31.10.2010 for W.) by [Education and Inspections Act 2006](#) (c. 40), s. 188(3), **Sch. 18 Pt. 6**; [S.I. 2007/1801](#), **art. 3(h)**; [S.I. 2010/2543](#), **art. 2(m)**

*Children Act 2004 (c. 31)*

- 43 In section 12 of the Children Act 2004 (information databases) in subsection (8) for paragraph (a) substitute—
- “(a) a person registered under Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England);”.

**Commencement Information**

**I56** [Sch. 2 para. 43](#) in force at 6.4.2007 by [S.I. 2007/1019](#), **art. 4** (with [art. 6](#), [Sch. para. 7](#))

*Education Act 2005 (c. 18)*

- 44 In section 59(1) of the Education Act 2005 (combined reports)—
- (a) in paragraph (b) after “for children” insert “ in Wales ”,
  - (b) in paragraph (c) after “nursery education” insert “ in Wales ”,
  - (c) omit the “and” at the end of paragraph (c), and
  - (d) at the end of paragraph (d) insert “and
  - (e) Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (regulation of early years and later years provision in England).”

**Commencement Information**

**I57** Sch. 2 para. 44 in force at 1.9.2008 by [S.I. 2008/2261](#), **art. 2** (with [Sch. 1](#))

*Status: Point in time view as at 03/11/2016.*

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## SCHEDULE 3

Section 103(2)

### REPEALS

#### Commencement Information

- I58** Sch. 3 in force at 1.4.2007 for specified purposes and in part for E by [S.I. 2007/1019](#), [art. 3](#) (with [art. 6](#), [Sch. para. 1](#))
- I59** Sch. 3 in force at 6.4.2007 for specified purposes by [S.I. 2007/1019](#), [art. 4](#)

### PART 1

#### THE CURRICULUM

#### Commencement Information

- I60** Sch. 3 Pt. 1 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), [art. 2](#) (with [Sch. 1](#))

#### *Short title and chapter*

Education Act 1997 (c. 44)

Education Act 2002 (c. 32)

#### *Extent of repeal*

In section 23—

in subsection (1), paragraph (c) and the word “and” immediately preceding it;  
and  
subsection (2A).

In section 76, the definitions of “early learning goals”, “the foundation stage”, and “pupil” and, in the definition of “school year”, the words from “and has a corresponding” to the end.

Section 77.

Section 78(2).

In section 79—

in subsection (4)(b), the words from “or the” to “nursery school”; and  
subsection (5).

Section 81.

Section 83.

In section 87—

subsection (2);  
in subsection (4), the words “(2) or”, in paragraph (a) the words “the foundation stage or” and “educational programme or” and in paragraph (b) the words from “(or the timetables” to “education”;  
in subsection (5), the words “(2) or”;  
subsection (6);  
in subsection (8), the words “(2)(c) or”;

*Status: Point in time view as at 03/11/2016.*

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in subsection (10), the words “(6) or”  
and, in paragraph (a), the words from  
“or” to “provided”; and  
in subsection (11), the words “(2)(c) or”  
and “(6) or”.

Section 89.

In section 90, in subsection (1) the words  
“or maintained nursery school” and in  
subsection (3) the words “or a maintained  
nursery school”.

In section 93(1) and (5), the words “or  
maintained nursery school”.

In section 94(4)(a), the words “or maintained  
nursery school”.

In section 96(1)(a), the words “83(3),”.

Section 210(3)(c).

In Schedule 17, paragraph 1(4) to (6).

## PART 2

### OTHER REPEALS

#### Commencement Information

**I61** Sch. 3 Pt. 2 in force at 1.10.2007 for specified purposes for E. by [S.I. 2007/2717, art. 2\(f\)](#)

**I62** Sch. 3 Pt. 2 in force at 1.9.2008 for E. in so far as not already in force by [S.I. 2008/2261, art. 2](#) (with [Schs. 1, 2](#))

#### *Short title and chapter*

Children Act 1989 (c. 41)

#### *Extent of repeal*

In the heading of Part 10A, the words  
“England and”.

Section 79B(1).

Section 79C(1), (4) and (5).

In section 79D(4), the words “(whether the  
contravention occurs in England or Wales)”.

Section 79H(3).

Section 79N.

Sections 79Q and 79R.

In section 79S(2), the words from “but the  
regulations” to the end of the subsection.

In section 79U(1), the words “England or”.

In section 105(5A)(b) the words “England  
and”.

In Schedule 9A—

(a) in paragraph 1(1)(c), the words “the  
Secretary of State or”, and

(b) paragraph 8(1).

Police Act 1997 (c. 50)

In section 113F(1)—

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**Status:** Point in time view as at 03/11/2016.

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	<ul style="list-style-type: none"><li>(a) in paragraph (a), the words “England and”, and</li><li>(b) in paragraph (c), the words “section 71 of the Children Act 1989 or”.</li></ul>
School Standards and Framework Act 1998 (c. 31)	Section 118A. Section 119(5)(ab). In Schedule 26— <ul style="list-style-type: none"><li>(a) paragraph 2(1)(a);</li><li>(b) paragraph 6A;</li><li>(c) in the cross-heading before paragraph 7, the words “6A, or”;</li><li>(d) in paragraph 7, the words “6A or”;</li><li>(e) paragraph 13A;</li><li>(f) paragraph 14(1);</li><li>(g) in paragraph 16, the words “6A or”;</li><li>(h) in paragraph 18, sub-paragraphs (1)(a) and (4)(a).</li></ul>
Protection of Children Act 1999 (c. 14)	In section 9(2), the word “or” at the end of paragraph (e).
Education Act 2002 (c. 32)	Section 149(1). Section 150(1). In section 153(2)(a) the words “the Secretary of State or (as respects local education authorities in Wales)”.
Children Act 2004 (c. 31)	In section 18(2), the word “and” at the end of paragraph (d). In section 23(3), the word “and” at the end of paragraph (b).
Education Act 2005 (c. 18)	In section 59(1), the word “and” at the end of paragraph (c). In Schedule 7, paragraphs 1, 3, 4 and 10(6).

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**Status:**

Point in time view as at 03/11/2016.

**Changes to legislation:**

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