

*These notes refer to the Childcare Act 2006 (c.21)  
which received Royal Assent on 11 July 2006*

# CHILD CARE ACT 2006

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS AND SCHEDULES

#### **Part 3 – Regulation of Provision of Childcare in England**

##### *Chapter 5 – Common Provisions*

##### *Sections 87 and 88: Offences by bodies corporate and unincorporated associations*

170. **Section 87** applies where an offence under the Act is committed by a body corporate and makes provision for the liability of directors, managers or other officers of the company.
171. **Section 88** makes provision for how childcare providers who are unincorporated associations are to be treated for the purposes of proceedings for offences relating to registration. Proceedings must be brought against the organisation using its name rather than the name of individual members. In this and other matters relating to the proceedings, including liability for payment of any fine, the unincorporated association is to be treated as if it were a body corporate. *Subsection (5)* ensures that where an individual officer or member of the governing body of the association has consented or connived in the committing of an offence, or where an offence is attributable to that person's neglect, they may be held liable as well as the association.