

SCHEDULES

SCHEDULE 22

EXCLUDED CONTRACTS

Childcare (including school age education)

- 12 (1) A contract for the supply of goods, services or digital content for, or in connection with, the provision of childcare by a relevant childcare provider.
- (2) In relation to the provision of childcare in England and Wales, a “relevant childcare provider” means—
- (a) a person who—
 - (i) in relation to England, is registered, or required to be registered, under Part 3 of the Childcare Act 2006 in relation to the childcare provided;
 - (ii) in relation to England, is not required to register under that Part in relation to the childcare provided because the childcare is excepted from the definition of “childcare” in section 18 of that Act;
 - (iii) in relation to England, is not required to register under that Part in relation to the childcare provided as a result of Article 2 of the Childcare (Exemptions from Registration) Order 2008 ([S.I. 2008/979](#)) by reference to the circumstances specified in Article 3, 5 or 8 of that Order;
 - (iv) in relation to Wales, is registered, or required to be registered, under Part 2 of the [Children and Family \(Wales\) Measure 2010 \(nawm 1\)](#);
 - (v) in relation to Wales, is not required to register under that Part because the person is not acting as a child minder, or is not providing day care, for the purposes of that Part by virtue of an Order made under section 19 of that Measure;
 - (b) the governing body of a maintained school;
 - (c) the proprietor of an Academy school or an Alternative provision Academy;
 - (d) the proprietor of a school that is approved under section 342 of the Education Act 1996 (non-maintained special schools);
 - (e) the proprietor of any educational institution not falling within paragraph (c) that is registered under section 95 of the Education and Skills Act 2008 (register of independent educational institutions).
- (3) In relation to the provision of childcare in Scotland, a “relevant childcare provider” means—
- (a) a person who—
 - (i) is registered, or required to be registered, under Part 5 of the Public Services Reform (Scotland) Act 2010 ([asp 8](#)) in relation to the childcare provided;

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- (ii) is not required to register under that Part in relation to the childcare provided because that childcare is excepted from the definition of a care service by Schedule 12 to that Act or by regulations made under that Schedule;
 - (b) an education authority acting in its role as manager of a public school;
 - (c) the proprietor of an independent school;
 - (d) the managers of a grant-aided school.
- (4) In relation to the provision of childcare in Northern Ireland, a “relevant childcare provider” means—
 - (a) a person who—
 - (i) is registered, or required to be registered, under Part 11 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2));
 - (ii) is not required to register under that Part in relation to the childcare provided because the person is not acting as a childminder when carrying out that childcare by virtue of Article 119 of that Order, or is not providing day care for children when carrying out that childcare by virtue of Article 120 of that Order;
 - (iii) is not required to register under that Part in relation to the childcare provided because of an exemption under Article 121 of that Order;
 - (b) the Board of Governors of a grant-aided school;
 - (c) the proprietor of an independent school.
- (5) In this paragraph—
 - “Academy school” has the meaning given by section 1A of the Academies Act 2010;
 - “Alternative provision Academy” has the meaning given by section 1C of the Academies Act 2010;
 - “Board of Governors” has the same meaning as in the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3));
 - “child” means a person under the age of 18;
 - “childcare” means any form of care for a child, including—
 - (a) education for a child, and
 - (b) any other supervised activity for a child;
 - “education authority” has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
 - “governing body”, in relation to a maintained school, means the governing body referred to in relation to the school in section 19 of the Education Act 2002;
 - “grant-aided school”—
 - (a) in relation to Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
 - (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;
 - “independent school”—
 - (a) in relation to Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
 - (b) in relation to Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;

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“maintained school” means—

- (a) a community, foundation or voluntary school (within the meaning of the School Standards and Framework Act 1998);
- (b) a community or foundation special school (within the meaning of that Act);
- (c) a maintained nursery school (as defined by section 22(9) of that Act);

“proprietor”—

- (a) in relation to a maintained school, has the meaning given by section 579(1) of the Education Act 1996;
- (b) in relation to an educational institution registered under section 95 of the Education and Skills Act 2008, has the meaning given by section 138(1) of that Act;
- (c) in relation to an independent school in Scotland, has the meaning given by section 135(1) of the Education (Scotland) Act 1980;
- (d) in relation to an independent school in Northern Ireland, has the meaning given by Article 2(2) of the of the Education and Libraries (Northern Ireland) Order 1986;

“public school” has the meaning given by section 135(1) of the Education (Scotland) Act 1980.