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## EXPLANATORY NOTE

*(This note is not part of the Scheme)*

This Scheme partially revokes the Tax Credit (New Category of Child Care Provider) Regulations 1999 (S.I. 1999/3110) (“the 1999 Regulations”) and revokes the Tax Credits (Approval of Child Care Providers) Scheme 2005 (S.I. 2005/93) (“the 2005 Scheme”), with transitional provisions. The Scheme applies in relation to England only. The revocations provided for by the Scheme come into force on 1st October 2007, with the exception of the revocations of regulations 11(a) and (b) and 12 of the 1999 Regulations, for which the commencement date is 1st October 2009.

The 1999 Regulations were made under section 15 of the Tax Credits Act 1999. Although that Act was repealed by the Tax Credits Act 2002, the 1999 Regulations continue to have effect (by virtue of section 17(2)(b) of the Interpretation Act 1978) as regulations under section 12(4)(b) of the 2002 Act and as a scheme under section 12(5) of that Act. The 2005 Scheme was made under sections 12 and 65 of the Tax Credits Act 2002.

Article 3(1) revokes the 1999 Regulations to the extent that they make a Scheme for determining the description of persons by whom child care is provided, and whose charges fall to be taken into account in computing the child care element of working tax credit. Article 3(2) makes transitional provision concerning the access to information and records by officers of the Secretary of State and Her Majesty’s Revenue and Customs and the associated requirements on organisations accredited under the Scheme provided for by the 1999 Regulations, and child care providers approved by such organisations.

Article 4(1) revokes the 2005 Scheme. Article 4(2) makes transitional provision to ensure that approvals granted under the 2005 Scheme that are valid immediately before 1st October 2007 continue to have effect until the end of their period of validity, and also to ensure that applications for approval under the 2005 Scheme made before 1st October 2007 fall to be determined (and accordingly any associated right of appeal against a decision to refuse an application continues).

The 1999 Regulations and the 2005 Scheme are revoked as a consequence of the introduction of a system of voluntary registration for certain childcare providers under the Childcare Act 2006 (c. 21) (see the Childcare (Voluntary Registration) Regulations 2007 (S.I. 2007/730)). The changes introduced by this Scheme were explored in the regulatory impact assessment for those Regulations which is available on the OPSI website at [www.opsi.gov.uk](http://www.opsi.gov.uk).