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STATUTORY INSTRUMENTS

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**2008 No. 975**

**The Childcare (General Childcare Register) Regulations 2008**

**PART 1**

**General**

**Citation and commencement**

1. These Regulations may be cited as the Childcare (General Childcare Register) Regulations 2008 and come into force on 1st September 2008.

**Interpretation**

2. In these Regulations—

“the Act” means the Childcare Act 2006;

“appropriate first aid qualification” means a qualification in first aid appropriate for the treatment of the children for whom childcare is provided;

“enhanced criminal record certificate” means an enhanced criminal record certificate issued under section 113B of the Police Act 1997(1);

“harm” has the same meaning as in section 31(9) of the Children Act 1989(2);

“home child-carer” means an individual who provides early years childminding or later years childminding—

- (a) for a child or children for particular parents, wholly or mainly in the home of the parents, or
- (b) for a child or children for particular parents (“the first parents”) and, in addition, for a child or children for different parents (“the second parents”), wholly or mainly in the home of the first parents or the second parents or in both homes;

“parent” includes any person who has parental responsibility for a child or has care of a child;

“relevant premises” means, in relation to the provision of childcare by a person, the premises or part of the premises on which that childcare is provided or will be provided.

**Revocation of the Childcare (Voluntary Registration) Regulations 2007**

3. The Childcare (Voluntary Registration) Regulations 2007(3) are revoked.

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(1) 1997 c.50. Section 113B was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15) and was amended by paragraph 14 of Schedule 9 to the Safeguarding Vulnerable Groups Act 2006 (c.47), paragraph 149 of Schedule 16 to the Armed Forces Act 2006 (c.52) and sections 79(1) and 80 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14).

(2) 1989 c.41. The definition was amended by section 120 of the Adoption and Children Act 2002 (c.38).

(3) S.I. 2007/730.

## PART 2

### Registration in Part A of the general childcare register

#### Prescribed requirements for registration

4.—(1) Part 1 of Schedule 1 contains requirements prescribed for the purposes of section 54(3)(b) of the Act.

(2) Part 1 of Schedule 2 contains requirements prescribed for the purposes of section 55(3)(b) of the Act.

#### Information to accompany application for registration

5.—(1) An application under section 54(1) of the Act must include the information in Part 2 of Schedule 1 about the matters mentioned there.

(2) An application under section 55(1) of the Act must include the information in Part 2 of Schedule 2 about the matters mentioned there.

## PART 3

### Provisions governing the activities of later years providers

#### Matters prescribed for the purposes of section 59

6. A later years provider to whom section 59 of the Act applies must—

- (a) meet such of the requirements set out in Schedule 3 as are applicable to that provider, and
- (b) in the provision of childcare have regard to the needs of each child relating to childcare.

#### Matters to be considered by the Chief Inspector

7. In exercising functions under Part 3 of the Act, the Chief Inspector<sup>(4)</sup> is required to have regard to the requirements set out in Schedule 3.

8. Any allegation that a later years provider to whom section 59 of the Act applies has failed to meet such of the requirements set out in Schedule 3 as are applicable to that provider, or to have regard to the matter specified in regulation 6(b), may be taken into account—

- (a) by the Chief Inspector in the exercise of functions under Part 3 of the Act, or
- (b) in any proceedings under that Part.

#### Offence relating to corporal punishment

9.—(1) A later years provider who is registered in Part A of the general childcare register commits an offence if, without reasonable excuse, that provider fails to comply with the requirements in paragraph 5 of Schedule 3.

(2) A person guilty of an offence under paragraph (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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(4) For the definition of “the Chief Inspector” see section 98(1) of the Childcare Act 2006, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c.40).

## PART 4

### Registration in Part B of the general childcare register

#### **Prescribed requirements for registration**

**10.**—(1) Subject to paragraph (2), Part 1 of Schedule 4 contains requirements prescribed for the purposes of section 62(3)(b) of the Act.

(2) In the case of an applicant who is to be a home child-carer, the requirements in paragraphs 5 to 8 in Part 1 of Schedule 4 are not prescribed for the purposes of section 62(3)(b) of the Act.

(3) Part 1 of Schedule 5 contains requirements prescribed for the purposes of section 63(4)(b) of the Act.

#### **Information to accompany application for registration**

**11.**—(1) Subject to paragraphs (2) and (3), an application for registration under section 62(1) of the Act must include the information set out in Part 2 of Schedule 4 about the matters mentioned there.

(2) In the case of an applicant who is to be a home child-carer, the information prescribed in paragraphs 12 to 14 in Part 2 of Schedule 4 is not required.

(3) In the case of an applicant who is not providing early years or later years childminding when their application is made under section 62(1) of the Act, the information prescribed in paragraphs 15 and 16 in Part 2 of Schedule 4 is not required.

(4) An application for registration under section 63(1) of the Act must include the information set out in Part 2 of Schedule 5 about the matters mentioned there.

#### **Activities of persons registered in Part B of the general childcare register**

**12.** A person registered in Part B of the general childcare register must—

- (a) meet such of the requirements set out in Schedule 6 as are applicable to that person, and
- (b) in the provision of childcare have regard to the needs of each child relating to childcare.

**13.** In exercising functions under Part 3 of the Act, the Chief Inspector is required to have regard to the requirements set out in Schedule 6.

**14.** Any allegation that a person registered in Part B of the general childcare register has failed to meet such of the requirements set out in Schedule 6 as are applicable to that person, or to have regard to the matter specified in regulation 12(b), may be taken into account—

- (a) by the Chief Inspector in the exercise of functions under Part 3 of the Act, or
- (b) in any proceedings under that Part.

31st March 2008

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