
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 7 of the Childcare Act 2006 (“the 2006 Act”) places a duty on English local authorities to secure early years provision free of charge in accordance with regulations. These Regulations prescribe early years provision for young children of a prescribed description.

Regulation 2 prescribes that early years provision which an English local authority must secure free of charge is provision provided by an early years provider to whom section 40(1) of the 2006 Act applies. Section 40(1) of the 2006 Act applies to early years providers providing early years provision in respect of which they are required by the 2006 Act to be registered with Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, and early years providers providing early years provision at certain schools and who are exempt, in certain circumstances, from the requirement to be registered.

Regulation 3 prescribes the description of children for whom an English local authority must ensure prescribed early years provision is available free of charge. A child must have attained the age of three, or must have attained the age of two and meet certain eligibility criteria.

Regulation 4 sets out the amount of free prescribed early years provision that English local authorities must make available. They must make available no less than 570 hours in a year over no fewer than 38 weeks.

Regulation 5 revokes the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012.

An Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sectors is foreseen.