
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 7 of the Childcare Act 2006 (“the 2006 Act”) places a duty on an English local authority to secure early years provision to a young child in its area, free of charge, and in accordance with regulations.

Regulation 2 of these Regulations prescribes the early years provision which an English local authority must secure free of charge. Regulation 3 prescribes the description of children for whom an English local authority must ensure prescribed early years provision is available free of charge. Regulation 4 sets out the amount of free prescribed early years provision which an English local authority must make available.

Section 7A of the 2006 Act makes provision for regulations to require an English local authority to discharge its duty to a young child under section 7 by making arrangements which secure that an early years provider chosen by a parent of the child provides the early years provision to which the child is entitled in cases where the early years provider is willing to provide the provision, and to accept the terms of the local authority imposed in respect of the provision.

Regulation 5 of these Regulations imposes that requirement. The requirement in regulation 5 is subject to regulation 6, which describes the kind of early years provider and the kind of early years provision which fall within the scope of the requirement. Regulation 7 sets out the circumstances in which the arrangements may be terminated.

Section 9A of the 2006 Act makes provision for regulations to prescribe requirements which may, or may not, be imposed in arrangements made by an English local authority for the purpose of discharging its duty under section 7. Regulation 8(1) prescribes the requirements which may be imposed, and regulation 8(2) prescribes the requirements which may not be imposed.

Regulation 9 revokes the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2013 and amending regulations.

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