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STATUTORY INSTRUMENTS

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**2017 No. 361**

**The Childcare (Miscellaneous Amendments) Regulations 2017**

**Amendment of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007**

2.—(1) The Early Years Foundation Stage (Learning and Development Requirements) Order 2007<sup>(1)</sup> is amended as follows.

(2) In article 2 (interpretation)<sup>(2)</sup>—

(a) in the definition of “the Document”, for “31st March 2014 on the website of the Department for Education” substitute “3rd March 2017 on the gov.uk website”;

(b) after the definition of “the Document” insert—

““the relevant provisions of the Document” means the provisions in Sections 1 and 2 of the Document that use the word “should”.”.

(3) In article 3 (specification of the learning and development requirements)<sup>(3)</sup>—

(a) in paragraph (1), after “Document” insert “that, by virtue of their use of the word “must”, express requirements,”; and

(b) in paragraph (2), for “Sections 1 and 2” substitute “the relevant provisions”.

(4) In article 5 (requirement on Chief Inspector and early years childminder agencies)<sup>(4)</sup> for “requirements and matters in Sections 1 and 2” substitute “learning and development requirements and matters in the relevant provisions”.

(5) In article 6(1)(b) (matters to be considered by the Chief Inspector)<sup>(5)</sup>, for “Sections 1 and 2” substitute “the relevant provisions”.

(6) In article 6A(b) (matters to be considered by early years childminder agencies)<sup>(6)</sup>, for “Sections 1 and 2” substitute “the relevant provisions”.

(7) In article 7(1)(b) (proceedings under Part 3 of the Childcare Act 2006)<sup>(7)</sup>, for “Sections 1 and 2” substitute “the relevant provisions”.

(8) After article 7 insert—

**“Review**

8.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision in this Order,

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 3rd April 2022.

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(1) [S.I. 2007/1772](#); relevant amending instruments are [S.I. 2012/937](#), [S.I. 2014/913](#).

(2) Amended by [S.I. 2012/937](#) and [S.I. 2014/913](#).

(3) Amended by [S.I. 2012/937](#).

(4) Amended by [S.I. 2012/937](#) and [S.I. 2014/913](#).

(5) Amended by [S.I. 2012/937](#) and [S.I. 2014/913](#).

(6) Article 6A was added by [S.I. 2014/913](#).

(7) Amended by [S.I. 2012/937](#) and [S.I. 2014/913](#).

- (3) Subsequent reports must be published at intervals not exceeding 5 years.
- (4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015<sup>(8)</sup> requires that a review carried out under this article must, in particular—
  - (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),
  - (b) assess the extent to which those objectives are achieved,
  - (c) assess whether those objectives remain appropriate, and
  - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (5) In this article, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 (see section 32 of that Act).”