
STATUTORY INSTRUMENTS

2022 No. 1134

The Childcare (Free of Charge for Working
Parents) (England) Regulations 2022

PART 2

Interpretation

Meaning of “looked after by a local authority”

- 9.—(1) A young child is “looked after by a local authority” if the child is any the following—
- (a) a child who is looked after by a local authority within the meaning given in section 22(1) of the Children Act 1989⁽¹⁾;
 - (b) a child who is looked after by an authority within the meaning given in article 25(1) of the Children (Northern Ireland) Order 1995;
 - (c) a child who is looked after by a local authority within the meaning given in section 17(6) of the Children (Scotland) Act 1995⁽²⁾;
 - (d) a child who is looked after by a local authority within the meaning given in section 74(1) of the Social Services and Well-being (Wales) Act 2014.
- (2) Despite paragraph (1), a young child is not looked after by a local authority during any period the child is—
- (a) being looked after by an English local authority for the purposes of providing a brief respite for the person with whom the child normally lives,
 - (b) placed with a foster parent (see regulation 8), or
 - (c) placed with any other person pursuant to arrangements made under—
 - (i) section 22C(2) of the Children Act 1989,
 - (ii) article 27(2)(a) of the Children (Northern Ireland) Order 1995,
 - (iii) regulation 8(1) or 11 of the Looked After Children (Scotland) Regulations 2009, or
 - (iv) section 81(2) of the Social Services and Well-being (Wales) Act 2014.

(1) Section 22(1) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), section 2(2) of the Children (Leaving Care) Act 2000 (c. 35) and section 116(2) of the Adoption and Children Act 2002 (c. 38).

(2) 1995 c. 36. Section 17(6) was amended by paragraph 9(4)(b) of Schedule 5 to the Adoption and Children (Scotland) Act 2007 (asp 4), paragraph 2(4) of Schedule 5 to the Children’s Hearings (Scotland) Act 2011 (asp 1) and S.S.I. 2013/195.