
STATUTORY INSTRUMENTS

2024 No. 369

The Childcare (Free of Charge for Working Parents) (England) (Amendment) Regulations 2024

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

2.—(1) The Childcare (Free of Charge for Working Parents) (England) Regulations 2022(1) are amended in accordance with paragraphs (2) to (5).

(2) In regulation 16(3) (qualifying paid work requirement: employee)—

(a) in sub-paragraph (a)(i), after “foster parent,” insert “or”;

(b) for sub-paragraph (a)(ii) to (iv), substitute—

“(ii) on specified leave other than leave of the kind mentioned in sub-paragraph (b);”;

(c) for sub-paragraph (b), substitute—

“(b) in the case of a person on specified leave that—

(i) is not specified leave of the kind mentioned in sub-paragraph (a)(vi), (a)(vii), (b)(iv) or (b)(vii) of the definition in paragraph (4), and

(ii) was started because of the birth or adoption of a child in respect of whom a declaration is being made,

the period of 31 days ending with the day before the day on which the person returns to work.”;

(d) omit sub-paragraph (c).

(3) After regulation 16(3), insert—

“(3A) In the case of a person in an EEA State or Switzerland, the references in paragraph (3)(a) and (b) to a person on specified leave of a particular kind mean any period the person is, under the law of that EEA State or Switzerland, on leave of a kind substantially similar to that kind of specified leave.”.

(4) In regulation 16(4), in the definition of “specified leave”, after sub-paragraph (a)(vi), insert—
“(vii) carer’s leave;”.

(5) In regulation 20 (when a declaration may be made)—

(a) for sub-paragraph (a), substitute—

“(a) in the period of 16 weeks ending with the day before the day on which the child will meet the description in regulation 13 (if known), or”;

(b) in sub-paragraph (b)(ii), after “ending” insert “with the day”.