



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 2 **E+W**

#### GENERAL FUNCTIONS OF LOCAL AUTHORITY: WALES

##### *Provision of childcare*

### 22 **Duty to secure sufficient childcare for working parents** **E+W**

- (1) A Welsh local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—
  - (a) to take up, or remain in, work, or
  - (b) to undertake education or training which could reasonably be expected to assist them to obtain work.
- (2) In determining for the purposes of subsection (1) whether the provision of childcare is sufficient to meet those requirements, a local authority—
  - (a) must have regard to the needs of parents in their area for—
    - (i) the provision of childcare in respect of which the child care element of working tax credit is payable,
    - [<sup>F1</sup>(ia) the provision of childcare in respect of which an amount in respect of childcare costs may be included under section 12 of the Welfare Reform Act 2012 in the calculation of universal credit,]
    - (ii) the provision of childcare which is suitable for disabled children, and
    - (iii) the provision of childcare involving the use of the Welsh language, and
  - (b) may have regard to any childcare which they expect to be available outside their area.
- (3) In discharging their duty under subsection (1), a local authority must have regard to any guidance given from time to time by the Assembly.

*Changes to legislation: Childcare Act 2006, Cross Heading: Provision of childcare is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) The Assembly may by order amend subsection (2) (and subsection (6) so far as relating to that subsection) so as to modify the matters to which a local authority must or may have regard in determining whether the provision of childcare is sufficient.
- (5) Except in relation to a disabled child, this section does not apply in relation to childcare for a child on or after the 1st September next following the date on which he attains the age of 14.
- (6) In this section—
- “child care element”, in relation to working tax credit, is to be read in accordance with section 12 of the Tax Credits Act 2002 (c. 21);
  - “disabled child” means a child who has a disability for the purposes of the [F2Equality Act 2010];
  - “parent” includes any individual who—
    - (a) has parental responsibility for a child, or
    - (b) has care of a child.

#### Textual Amendments

- F1** S. 22(2)(a)(ia) inserted (W.) (17.7.2013) by [The Universal Credit \(Consequential Provisions\) \(Childcare, Housing and Transport\) \(Wales\) Regulations 2013 \(No. 1788\)](#), regs. 1(1), 4
- F2** Words in s. 22(6) substituted by 2010 c. 15 Sch. 26 Pt. 1 para. 90 (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010 \(S.I. 2010/2279\)](#), art. 1(2), **Sch. 1 para. 6** (see S.I. 2010/2317, art. 2)

#### Commencement Information

- I1** S. 22 in force at 31.1.2008 by [S.I. 2008/17](#), **art. 2(a)**

## 23 Powers of local authority in relation to the provision of childcare E+W

- (1) A Welsh local authority may—
- (a) assist any person who provides or proposes to provide childcare;
  - (b) make arrangements with any other person for the provision of childcare;
  - (c) provide childcare.
- (2) The assistance which a local authority may give under subsection (1)(a) includes financial assistance; and the arrangements which a local authority may make under subsection (1)(b) include arrangements involving the provision of financial assistance by the authority.
- (3) In exercising their functions under this section, a Welsh local authority must have regard to any guidance given from time to time by the Assembly.

#### Commencement Information

- I2** S. 23 in force at 31.1.2008 by [S.I. 2008/17](#), **art. 2(a)**

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## 24 Arrangements between local authority and childcare providers **E+W**

- (1) This section applies where a Welsh local authority make arrangements with a person (other than the governing body of a maintained school) for the provision by that person of childcare in consideration of financial assistance provided by the authority under the arrangements.
- (2) The local authority must exercise their functions with a view to securing that the provider of the childcare meets any requirements imposed on him by the arrangements.
- (3) The requirements imposed by the arrangements may, in particular, if any specified conditions are not satisfied, require the repayment of the whole or any part of any financial assistance provided by the local authority under the arrangements.

### Commencement Information

**I3** S. 24 in force at 31.1.2008 by [S.I. 2008/17](#), [art. 2\(a\)](#)

## 25 Charges where local authority provide childcare **E+W**

- (1) A Welsh local authority may enter into an agreement under which payments are made to the authority for the provision by the authority of childcare for a child.
- <sup>[F3]</sup>(2) Subsection (1) does not apply to childcare provided under sections 37 to 39 of the Social Services and Well-being (Wales) Act 2014 (meeting care and support needs of children), provision as to charges for such care being made by Part 5 of that Act.]

### Textual Amendments

**F3** S. 25(2) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), [regs. 2\(1\)](#), [232](#)

### Commencement Information

**I4** S. 25 in force at 31.1.2008 by [S.I. 2008/17](#), [art. 2\(a\)](#)

## 26 Power to require local authority to assess childcare provision **E+W**

- (1) The Assembly may by regulations require a Welsh local authority to—
  - (a) prepare assessments at prescribed intervals of the sufficiency of the provision of childcare (whether or not by them) in their area;
  - (b) review any such assessment prepared by them.
- (2) Regulations under subsection (1) may make provision for the manner in which an assessment or review is to be prepared and, in particular, may require the local authority to—
  - (a) consult such persons, or persons of such a description, as may be prescribed, and
  - (b) have regard to any guidance given from time to time by the Assembly.
- (3) Subsection (5) of section 22 applies for the purposes of this section as it applies for the purposes of that section.

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#### Commencement Information

**I5** S. 26 in force at 31.1.2008 by [S.I. 2008/17](#), [art. 2\(a\)](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(6) inserted by [2023 c. 55 Sch. 23 para. 2](#)
- s. 36(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 6\(2\)](#)
- s. 36(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 6\(5\)](#)
- s. 37(2A) inserted by [2023 c. 55 Sch. 23 para. 7\(4\)](#)
- s. 37A(1A) inserted by [2023 c. 55 Sch. 23 para. 8\(3\)](#)
- s. 45A(4C) inserted by [2016 c. 5 s. 3\(2\)\(a\)](#)
- s. 47ZA(3)(a) substituted by [2016 c. 5 s. 3\(2\)\(b\)](#)
- s. 54(1)(a) words substituted by [2023 c. 55 Sch. 23 para. 11\(3\)\(a\)](#)
- s. 54(1)(b) words inserted by [2023 c. 55 Sch. 23 para. 11\(3\)\(b\)](#)
- s. 55(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 12\(2\)](#)
- s. 55(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 12\(5\)](#)
- s. 56(2A) inserted by [2023 c. 55 Sch. 23 para. 13\(4\)](#)
- s. 56A(1A) inserted by [2023 c. 55 Sch. 23 para. 14\(3\)](#)
- s. 57(1)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 15\(b\)](#)
- s. 57A(2)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 16\(3\)](#)
- s. 63(A1)(1) substituted for s. 63(1) by [2023 c. 55 Sch. 23 para. 18](#)
- s. 64(2A) inserted by [2023 c. 55 Sch. 23 para. 19\(4\)](#)
- s. 68(3)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(2\)](#)
- s. 68(4)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(3\)](#)
- s. 68(5)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(4\)](#)
- s. 98(1B) inserted by [2023 c. 55 Sch. 23 para. 24\(3\)](#)
- s. 113A(1) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 113A(3) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)