



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 2

#### REGULATION OF EARLY YEARS PROVISION

##### *Process of registration*

### **35 Applications for registration: early years childminders**

- (1) A person who proposes to provide early years childminding in respect of which he is required by section 33(1) to be registered may make an application <sup>[F1]</sup>—
  - (a) to the Chief Inspector for registration as an early years childminder in the early years register, or
  - (b) to an early years childminder agency for registration with that agency as an early years childminder.]
- (2) An application under subsection (1) must—
  - (a) give any prescribed information about prescribed matters,
  - (b) give any other information which the Chief Inspector <sup>[F2]</sup>or (as the case may be) the early years childminder agency ] reasonably requires the applicant to give, and
  - (c) <sup>[F3]</sup> if it is an application to the Chief Inspector, ] be accompanied by any prescribed fee.
- (3) The Chief Inspector must grant an application under subsection (1) <sup>[F4]</sup> (a) ] if—
  - (a) the applicant is not disqualified from registration by regulations under section 75, and

**Changes to legislation:** Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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

- (b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection (“the prescribed requirements for registration”) are satisfied and are likely to continue to be satisfied.
- (4) The Chief Inspector must refuse any application under subsection (1) [<sup>F5</sup>(a)] which subsection (3) does not require him to grant.
- [<sup>F6</sup>(4A) An early years childminder agency may grant an application under subsection (1)(b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,
  - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
  - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.]
- (5) The prescribed requirements for registration may include requirements relating to—
- (a) the applicant;
- [<sup>F7</sup>(aa) prohibiting the applicant from being registered in the early years register as an early years childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder if the applicant is registered—
    - (i) with another childminder agency;
    - (ii) in the early years register or the general childcare register;]
    - (b) the premises on which the early years childminding is to be provided;
    - (c) the arrangements for early years childminding on those premises;
    - (d) any person who may be caring for children on those premises;
    - (e) any other person who may be on those premises.

#### Textual Amendments

- F1** Words in s. 35(1) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F2** Words in s. 35(2)(b) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(3\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 35(2)(c) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(3\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Word in s. 35(3) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F5** Word in s. 35(4) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** S. 35(4A) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F7** S. 35(5)(aa)(ab) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 6\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

**Changes to legislation:** Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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

#### Commencement Information

- I1** S. 35 in force at 1.10.2007 for specified purposes by S.I. 2007/2717, art. 2(c)  
**I2** S. 35 in force at 1.9.2008 in so far as not already in force by S.I. 2008/2261, art. 2 (with Schs. 1, 2)

### 36 Applications for registration: other early years providers

- (1) A person who proposes to provide <sup>F8</sup>... early years provision in respect of which he is required by section 34(1) to be registered may make an application to the Chief Inspector for registration as an early years provider <sup>F8</sup>....
- <sup>F9</sup>(1A) A person who proposes to provide <sup>F10</sup>... early years provision in respect of which the person is required by section 34(1A) to be registered may make an application—
- (a) to the Chief Inspector for registration as an early years provider <sup>F11</sup>..., or
  - (b) to an early years childminder agency for registration with that agency as an early years provider <sup>F11</sup>....]
- (2) An application under subsection (1) [<sup>F12</sup>or (1A)] must—
- (a) give any prescribed information about prescribed matters,
  - (b) give any other information which the Chief Inspector [<sup>F13</sup>or (as the case may be) the early years childminder agency ] reasonably requires the applicant to give, and
  - (c) [<sup>F14</sup>if it is an application to the Chief Inspector,] be accompanied by any prescribed fee.
- (3) The Chief Inspector must grant an application under subsection (1) [<sup>F15</sup>or (1A)(a)] if—
- (a) the applicant is not disqualified from registration by regulations under section 75, and
  - (b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection (“the prescribed requirements for registration”) are satisfied and are likely to continue to be satisfied.
- (4) The Chief Inspector must refuse any application under subsection (1) [<sup>F16</sup>or (1A)(a)] which subsection (3) does not require him to grant.
- <sup>F17</sup>(4A) An early years childminder agency may grant an application under subsection (1A) (b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,
  - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
  - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.]
- (5) The prescribed requirements for registration may include requirements relating to—
- (a) the applicant;
  - <sup>F18</sup>(aa) prohibiting the applicant from being registered in the early years register as an early years provider other than a childminder if the applicant is registered with a childminder agency;
  - (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years provider other than a childminder if the applicant is registered—

**Changes to legislation:** Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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

- (i) with another childminder agency;
- (ii) in the early years register or the general childcare register;]
- (b) the premises on which the early years provision is to be provided;
- (c) the arrangements for early years provision on those premises;
- (d) any person who may be caring for children on those premises;
- (e) any other person who may be on those premises.

#### Textual Amendments

- F8** Words in s. 36(1) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 2 para. 3\(a\)](#); S.I. 2015/1329, reg. 6(b)
- F9** S. 36(1A) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F10** Words in s. 36(1A) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 2 para. 3\(b\)](#); S.I. 2015/1329, reg. 6(b)
- F11** Words in s. 36(1A)(a)(b) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\), s. 164\(1\), Sch. 2 para. 3\(c\)](#); S.I. 2015/1329, reg. 6(b)
- F12** Words in s. 36(2) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(3\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F13** Words in s. 36(2)(b) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(3\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F14** Words in s. 36(2)(c) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(3\)\(c\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F15** Words in s. 36(3) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F16** Words in s. 36(4) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F17** S. 36(4A) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(5\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F18** S. 36(5)(aa)(ab) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 7\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

#### Commencement Information

- I3** S. 36 in force at 1.10.2007 for specified purposes by [S.I. 2007/2717, art. 2\(c\)](#)
- I4** S. 36 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261, art. 2](#) (with Schs. 1, 2)

### 37 Entry on the register and certificates

- (1) If an application under section 35(1) [<sup>F19</sup>(a) ] is granted, the Chief Inspector must—
- (a) register the applicant in the early years register as an early years childminder, and
  - (b) give the applicant a certificate of registration stating that he is so registered.
- (2) If an application under section 36(1) [<sup>F20</sup>or (1A)(a) ] is granted, the Chief Inspector must—
- (a) register the applicant in the early years register as an early years provider other than a childminder <sup>F21</sup>..., and

**Changes to legislation:** Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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

- (b) give the applicant a certificate of registration stating that he is so registered.
- (3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.
- (4) If there is a change of circumstances which requires the amendment of a certificate of registration, the Chief Inspector must give the registered early years provider an amended certificate.
- (5) If the Chief Inspector is satisfied that a certificate of registration has been lost or destroyed, the Chief Inspector must give the registered early years provider a copy, on payment by the provider of any prescribed fee.

#### Textual Amendments

- F19** Word in s. 37(1) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 8\(2\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F20** Words in s. 37(2) inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 8\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F21** Words in s. 37(2)(a) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 2 para. 4](#); S.I. 2015/1329, reg. 6(b)

#### Commencement Information

- I5** S. 37 in force at 1.10.2007 for specified purposes by [S.I. 2007/2717](#), [art. 2\(c\)](#)
- I6** S. 37 in force at 1.9.2008 in so far as not already in force by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

### [<sup>F22</sup>37A Early years childminder agencies: registers and certificates

- (1) If an application under section 35(1)(b) is granted, the early years childminder agency must—
  - (a) register the applicant in the register maintained by the agency as an early years childminder, and
  - (b) give the applicant a certificate of registration stating that he or she is so registered.
- (2) If an application under section 36(1A)(b) is granted, the early years childminder agency must—
  - (a) register the applicant in the register maintained by the agency as an early years provider other than a childminder <sup>F23</sup>..., and
  - (b) give the applicant a certificate of registration stating that he or she is so registered.
- (3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.
- (4) If there is a change of circumstances which requires the amendment of a certificate of registration, the early years childminder agency must give the registered early years provider an amended certificate.]

#### Textual Amendments

- F22** S. 37A inserted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 9](#); S.I. 2014/889, arts. 3(m), 7(e)

**Changes to legislation:** Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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

**F23** Words in s. 37A(2)(a) omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 2 para. 5](#); S.I. 2015/1329, reg. 6(b)

### 38 Conditions on registration

- (1) The Chief Inspector may impose such conditions as he thinks fit on the registration of an early years provider [<sup>F24</sup>in the early years register ].
- (2) The power conferred by subsection (1) may be exercised at the time when the Chief Inspector registers the person in pursuance of section 37 or at any subsequent time.
- (3) The Chief Inspector may at any time vary or remove any condition imposed under subsection (1).
- (4) The power conferred by subsection (1) includes power to impose conditions for the purpose of giving effect to an order under subsection (1)(a) of section 39 or regulations under subsection (1)(b) of that section.
- <sup>F25</sup>(5) An early years provider registered [<sup>F26</sup>in the early years register ] commits an offence if, without reasonable excuse, he fails to comply with any condition imposed under subsection (1).
- (6) A person guilty of an offence under subsection (5) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

#### Textual Amendments

- F24** Words in s. 38(1) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 10](#); S.I. 2014/889, arts. 3(m), 7(e)
- F25** Words in s. 38(5) substituted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 10](#); S.I. 2014/889, arts. 3(m), 7(e)
- F26** Words in s. 38(5) substituted (1.4.2014 for specified purposes) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 10](#); S.I. 2014/889, art. 3(m)

#### Commencement Information

- I7** S. 38 in force at 1.9.2008 by S.I. 2008/2261, [art. 2](#) (with [Schs. 1, 2](#))

**Changes to legislation:**

Childcare Act 2006, Cross Heading: Process of registration is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 35 heading words inserted by [2023 c. 55 Sch. 23 para. 5\(2\)](#)

**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](#)