



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 5

#### COMMON PROVISIONS

#### *Disqualification from registration* [<sup>F1</sup>: *early years and later years providers* ]

##### **Textual Amendments**

- F1** Words in Pt. 3 Ch. 5(crossheading)(disqualification)(from)(registration) 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. 43](#); S.I. 2014/889, arts. 3(m), 7(e)

#### **75 Disqualification from registration** [<sup>F2</sup>: *early years and later years providers*]

- (1) In this section, “registration” means registration under Chapters 2, 3 and 4.
  - (2) Regulations may provide for a person to be disqualified from registration.
  - (3) The regulations may, in particular, provide for a person to be disqualified from registration if—
    - (a) he is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
    - (b) he is subject to a direction under section 142 of the Education Act 2002 (c. 32) on the grounds that he is unsuitable to work with children or on grounds relating to his health;
- [<sup>F3</sup>(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);]

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*Changes to legislation:* Childcare Act 2006, Cross Heading: Disqualification from registration : early years and later years providers is up to date with all changes known to be in force on or before 17 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

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- (c) an order of a prescribed kind has been made at any time with respect to him;
  - (d) an order of a prescribed kind has been made at any time with respect to a child who has been in his care;
  - (e) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;
  - (f) he has at any time been refused registration under Chapter 2, 3 or 4 of this Part of this Act or under Part 10 or Part 10A of the Children Act 1989 (c. 41) [<sup>F4</sup>or under Part 2 of the Children and Families (Wales) Measure 2010] or any prescribed enactment, or had any such registration cancelled;
  - (g) he has been convicted of an offence of a prescribed kind or has been discharged absolutely or conditionally for such an offence;
  - (h) he has been given a caution in respect of an offence of a prescribed kind;
  - (i) he has at any time been disqualified from fostering a child privately (within the meaning of the Children Act 1989 (c. 41));
  - (j) a prohibition has been imposed on him at any time under section 69 of the Children Act 1989, section 10 of the Foster Children (Scotland) Act 1984 (c. 56) or any prescribed enactment;
  - (k) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
- (4) Regulations may provide for a person to be disqualified from registration if—
- (a) he lives in the same household as another person who is disqualified from registration, or
  - (b) he lives in a household in which any such person is employed.
- (5) Regulations under subsection (2) or (4) may provide for a person not to be disqualified from registration (and in particular may provide for a person not to be disqualified from registration for the purposes of section 76) by reason of any fact which would otherwise cause him to be disqualified if—
- (a) he has disclosed the fact to the Chief Inspector, and
  - (b) the Chief Inspector has consented in writing to the person's not being disqualified from registration and has not withdrawn his consent.
- (6) In this section—
- <sup>F5</sup>  
 ...  
 “enactment” means any enactment having effect at any time in any part of the United Kingdom.
- (7) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this section.

#### Textual Amendments

- F2** Words in s. 75 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. 44](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** S. 75(3)(ba) inserted (19.5.2008) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 9 para. 10\(1\)](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2008/1320, [art. 2\(d\)](#)
- F4** Words in s. 75(3)(f) inserted (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 1 para. 23](#); S.I. 2010/2582, art. 2, Sch. 1 (with Schs. 2 3)

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**F5** Words in s. 75(6) omitted (8.4.2013) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 24 para. 27](#) (with s. 135(4)); S.I. 2013/453, art. 4(f)

**Commencement Information**

**I1** S. 75 in force at 20.12.2006 by [S.I. 2006/3360](#), [art. 2\(e\)](#)

**76 Consequences of disqualification [<sup>F6</sup>: early years and later years providers ]**

(1) This section applies to—

- (a) early years provision in respect of which the provider is required by section 33(1) or 34(1) [<sup>F7</sup> or (1A)] to be registered,
- (b) early years provision in respect of which, but for section 34(2), the provider would be required to be registered,
- (c) later years provision in respect of which the provider is required by section 52(1) or 53(1) [<sup>F8</sup> or (1A)] to be registered, and
- (d) later years provision in respect of which, but for section 53(2), the provider would be required to be registered.

(2) A person who is disqualified from registration by regulations under section 75 must not—

- (a) provide early years or later years provision to which this section applies, or
- (b) be directly concerned in the management of early years or later years provision to which this section applies.

(3) No person may employ, in connection with the provision of early years or later years provision to which this section applies, a person who is disqualified from registration by regulations under section 75.

[<sup>F9</sup>(3A) An early years childminder agency must not register for the purposes of Chapter 2 a person who is disqualified from registration by regulations under section 75.

(3B) A later years childminder agency must not register for the purposes of Chapter 3 a person who is disqualified from registration by regulations under section 75.

(3C) An early years childminder agency or a later years childminder agency must not register for the purposes of Chapter 4 a person who is disqualified from registration by regulations under section 75.]

(4) A person who contravenes subsection (2) [<sup>F10</sup>, (3), (3A), (3B) or (3C)] commits an offence.

(5) A person who contravenes subsection (2) is not guilty of an offence under subsection (4) if—

- (a) he is disqualified from registration by virtue only of regulations under section 75(4), and
- (b) he proves that he did not know, and had no reasonable grounds for believing, that he was living—
  - (i) in the same household as a person who was disqualified from registration, or
  - (ii) in a household in which such a person was employed.

(6) A person [<sup>F11</sup>(“A”)] who contravenes subsection (3) is not guilty of an offence under subsection (4) if [<sup>F12</sup>A ] proves that [<sup>F12</sup>A ] did not know, and had no reasonable grounds

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for believing, that the person whom [<sup>F12</sup>A] was employing was disqualified from registration.

[<sup>F13</sup>(6A) A person (“A”) who contravenes subsection (3A), (3B) or (3C) is not guilty of an offence under subsection (4) if A proves that A did not know, and had no reasonable grounds for believing, that the person registered by A was disqualified from registration.]

(7) A person guilty of an offence under subsection (4) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 5 on the standard scale, or to both.

(8) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), the reference in subsection (7) to 51 weeks is to be read as a reference to 6 months.

#### Textual Amendments

- F6** Words in s. 76 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. 45\(7\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F7** Words in s. 76(1)(a) 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. 45\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F8** Words in s. 76(1)(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. 45\(2\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F9** S. 76(3A)-(3C) 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. 45\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F10** Words in s. 76(4) 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. 45\(4\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F11** Words in s. 76(6) 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. 45\(5\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F12** Word in s. 76(6) 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. 45\(5\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F13** S. 76(6A) 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. 45\(6\)](#); S.I. 2014/889, arts. 3(m), 7(e)

**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](#)