



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 5

#### COMMON PROVISIONS

#### *Interpretation*

#### **96 Meaning of early years and later years provision etc.**

- (1) This section applies for the purposes of this Part.
- (2) “Early years provision” means the provision of childcare for a young child.
- (3) “Early years provider” means a person who provides early years provision.
- (4) Subject to subsection (5), “early years childminding” means early years provision<sup>F1</sup>... for reward<sup>F2</sup>, where at least half of the provision is on domestic premises] (and “early years childminder” is to be read accordingly).
- (5) Early years provision [<sup>F3</sup>which would otherwise fall within subsection (4)] is not early years childminding if at any time the number of persons providing the early years provision<sup>F4</sup>... or assisting with the provision exceeds three.
- (6) “Later years provision”, in relation to a child, means the provision of childcare at any time during the period—
  - (a) beginning with the 1st September next following the date on which he attains the age of five, and
  - (b) ending with such day as may be prescribed.
- (7) “Later years provider” means a person who provides later years provision.

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- (8) Subject to subsection (9), “later years childminding” means later years provision <sup>F5</sup>... for reward<sup>F6</sup>, where at least half of the provision is on domestic premises] (and “later years childminder” is to be read accordingly).
- (9) Later years provision [<sup>F7</sup> which would otherwise fall within subsection (8)] is not later years childminding if at any time the number of persons providing the later years provision <sup>F8</sup>... or assisting with the provision exceeds three.

#### Textual Amendments

- F1** Words in s. 96(4) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(2)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F2** Words in s. 96(4) inserted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(2)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F3** Words in s. 96(5) substituted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(3)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F4** Words in s. 96(5) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(3)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F5** Words in s. 96(8) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(4)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F6** Words in s. 96(8) inserted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(4)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F7** Words in s. 96(9) substituted (1.1.2016) by Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(5)(a)**, 164(1); S.I. 2015/1329, reg. 6(a)
- F8** Words in s. 96(9) omitted (1.1.2016) by virtue of Small Business, Enterprise and Employment Act 2015 (c. 26), **ss. 76(5)(b)**, 164(1); S.I. 2015/1329, reg. 6(a)

#### Commencement Information

- I1** S. 96 in force at 20.12.2006 for specified purposes by S.I. 2006/3360, **art. 2(d)**
- I2** S. 96 in force at 6.4.2007 in so far as not already in force by S.I. 2007/1019, **art. 4**

## 97 Employees not to be regarded as providing childcare

- (1) This section applies for the purposes of this Part.
- (2) Where an individual (“the employee”) is employed to care for a child by a person who provides early years provision or later years provision for the child, the employee is not to be regarded as providing early years provision or (as the case may be) later years provision by virtue of anything done by him in the course of that employment.

#### Commencement Information

- I3** S. 97 in force at 6.4.2007 by S.I. 2007/1019, **art. 4**

## 98 Interpretation of Part 3

- (1) In this Part—
- “the Chief Inspector” means [<sup>F9</sup>Her Majesty's Chief Inspector of Education, Children's Services and Skills];
- “childcare” has the meaning given by section 18;

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[<sup>F10</sup>“ childminder agency ” means—

- (a) an early years childminder agency;
- (b) a later years childminder agency;]

“domestic premises” means premises which are used wholly or mainly as a private dwelling;

[<sup>F11</sup>“ early years childminder agency ” means a person registered in the early years register as an early years childminder agency;]

“early years provision” has the meaning given by section 96(2);

“early years provider” has the meaning given by section 96(3);

“early years childminding” and “early years childminder” have the meanings given by section 96(4);

[<sup>F12</sup>“ later years childminder agency ” means a person registered in Part A of the general childcare register as a later years childminder agency;]

“later years provision” has the meaning given by section 96(6);

“later years provider” has the meaning given by section 96(7);

“later years childminding” and “later years childminder” have the meanings given by section 96(8);

“premises” includes any area and any vehicle;

<sup>F13</sup>  
...

“proprietor”, in relation to a school, has the same meaning as in the Education Act 1996 (c. 56);

<sup>F13</sup>  
...

“the Tribunal” has the meaning given by section 69(11);

“young child” has the meaning given by section 19.

[<sup>F14</sup>(1A) A person is registered for the purposes of this Part if that person is registered—

- (a) in the early years register,
- (b) in the general childcare register, or
- (c) with an early years childminder agency or a later years childminder agency.]

(2) For the purposes of section 7 of the Interpretation Act 1978 (c. 30) (references to service by post), a notice or order which may by virtue of any provision of this Part be sent by post to an applicant for registration or to a registered person is to be treated as properly addressed if it is addressed to him at the address notified by him to the Chief Inspector as the address to which correspondence to him should be sent.

#### Textual Amendments

**F9** Words in s. 98(1) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\), s. 188\(3\), Sch. 14 para. 117](#); S.I. 2007/935, art. 5(gg)

**F10** Words in s. 98(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. 62\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)

**F11** Words in s. 98(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. 62\(2\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)

**F12** Words in s. 98(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. 62\(2\)\(c\)](#); S.I. 2014/889, arts. 3(m), 7(e)

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- F13** Words in s. 98(1) repealed (31.3.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010 \(S.I. 2010/1080\)](#), art. 1(3)(b)(c), Sch. 1 para. 108, **Sch. 2 Pt. 3** (with art. 2(3))
- F14** S. 98(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. 62(3)**; S.I. 2014/889, arts. 3(m), 7(e)

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**Commencement Information**

- I4** S. 98 in force at 20.12.2006 by [S.I. 2006/3360](#), art. 2(e)

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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](#)