



# Childcare Act 2006

## 2006 CHAPTER 21

### PART 3 **E+W**

#### REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

### CHAPTER 5 **E+W**

#### COMMON PROVISIONS

##### *Miscellaneous*

### 89 Fees **E+W**

- (1) Regulations may require persons registered under any of Chapters 2 to 4 [<sup>F1</sup>in the early years register or the general childcare register ] to pay to the Chief Inspector at or by prescribed times fees of the prescribed amounts in respect of the discharge by the Chief Inspector of his functions under this Part.
- (2) Regulations under subsection (1) may prescribe circumstances in which—
  - (a) the amount of a fee payable under the regulations may be varied in accordance with the regulations;
  - (b) a fee payable under the regulations may be waived.

#### Textual Amendments

- F1** Words in s. 89(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. 58**; S.I. 2014/889, arts. 3(m), 7(e)

#### Commencement Information

- I1** S. 89 in force at 20.12.2006 by S.I. 2006/3360, **art. 2(e)**

*Changes to legislation: Childcare Act 2006, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 24 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*

## 90 Cases where consent to disclosure withheld **E+W**

- (1) This section applies where the Chief Inspector—
- (a) is determining, for the purpose of deciding whether to grant an application for registration under [<sup>F2</sup>any of Chapters 2 to 4], whether the prescribed requirements for registration are satisfied and are likely to be continued to be satisfied, or
  - (b) is determining, for the purpose of deciding whether to cancel the registration of any person under section 68(2)(a) [<sup>F3</sup>or 69B(2)(a)], whether the prescribed requirements for registration have ceased, or will cease, to be satisfied.
- (2) The Chief Inspector may, if regulations so provide and he thinks it appropriate to do so, treat the prescribed requirements for registration as not being satisfied or (as the case may be) as having ceased to be satisfied if for the purpose of his determination—
- (a) the Chief Inspector has requested a person (“A”) to consent to the disclosure by another person (“B”) to the Chief Inspector of information which—
    - (i) relates to A,
    - (ii) is held by B, and
    - (iii) is of a prescribed description, and
  - (b) A does not give <sup>F4</sup>... consent or withdraws <sup>F4</sup>... consent after giving it.

### Textual Amendments

- F2** Words in s. 90(1)(a) 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. 59\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F3** Words in s. 90(1)(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. 59\(2\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F4** Words in s. 90(2)(b) omitted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 4 para. 59\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)

### Commencement Information

- I2** S. 90 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360, art. 2\(d\)](#)
- I3** S. 90 in force at 6.4.2007 in so far as not already in force by [S.I. 2007/1019, art. 4](#)

## 91 Co-operation between authorities **E+W**

- (1) If it appears to the Chief Inspector that any English local authority could, by taking any specified action, help in the exercise of any of his functions under this Part, he may request the help of the authority, specifying the action in question.
- (2) An authority whose help is requested must comply with the request if it is compatible with their own statutory and other duties and does not unduly prejudice the discharge of any of their functions.

### Commencement Information

- I4** S. 91 in force at 6.4.2007 by [S.I. 2007/1019, art. 4](#)

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## 92 Combined certificates of registration **E+W**

- (1) This section applies if the Chief Inspector is required by virtue of this Part to issue more than one certificate of registration to a person.
- (2) If the Chief Inspector considers it appropriate, he may combine any two or more of those certificates in a single certificate (a combined certificate).
- (3) A combined certificate of registration must contain prescribed information about prescribed matters.
- (4) If there is a change of circumstances which requires the amendment of a combined certificate of registration, the Chief Inspector must give the registered person an amended combined certificate.
- (5) If the Chief Inspector is satisfied that a combined certificate of registration has been lost or destroyed, the Chief Inspector must give the registered person a copy, on payment by that person of any prescribed fee.

### Commencement Information

- I5** S. 92 in force at 20.12.2006 for specified purposes by [S.I. 2006/3360](#), [art. 2\(d\)](#)
- I6** S. 92 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](#))

## 93 Notices **E+W**

- (1) This section applies in relation to notices required or authorised to be given to any person by any of the following—
  - (a) section 57(1) and (2);
  - <sup>F5</sup>(aa) section 57A(2) and (4);
  - (ab) section 61C(1);]
  - (b) section 65(1) and (2);
  - <sup>F6</sup>(ba) section 65A(1) and (3);]
  - (c) section 70(1);
  - (d) section 73(2), (4), (5), (7) and (9).
- (2) The notice may be given to the person in question—
  - (a) by delivering it to [<sup>F7</sup>the person],
  - (b) by sending it by post, or
  - (c) subject to subsection (3), by transmitting it electronically.
- (3) If the notice is transmitted electronically, it is to be treated as given only if the requirements of subsection (4) or (5) are met.
- (4) If the person required or authorised to give the notice is the Chief Inspector—
  - (a) the person to whom the notice is required or authorised to be given must have indicated to the Chief Inspector [<sup>F8</sup>a] willingness to receive notices transmitted by electronic means and provided an address suitable for that purpose, and
  - (b) the notice must be sent to the address provided <sup>F9</sup>....
- (5) If the person required or authorised to give the notice is not the Chief Inspector, the notice must be transmitted in such manner as the Chief Inspector may require.

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- (6) An indication given for the purposes of subsection (4) may be given generally for the purposes of notices required or authorised to be given by the Chief Inspector under this Part or may be limited to notices of a particular description.
- (7) A requirement imposed by the Chief Inspector under subsection (5) must be published in such manner as the Chief Inspector thinks appropriate for the purpose of bringing it to the attention of persons who are likely to be affected by it.
- (8) In relation to the taking of a step mentioned in subsection (1)(b) or (c) of section 73, notification authorised to be given to the Chief Inspector under subsection (4) or (9) of that section may be given orally to a person authorised by the Chief Inspector to receive such notification (as well as by any of the methods mentioned in subsection (2)).

#### Textual Amendments

- F5** S. 93(1)(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. 60\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F6** S. 93(1)(ba) 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. 60\(2\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F7** Words in s. 93(2)(a) 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. 60\(3\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F8** Word in s. 93(4)(a) 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. 60\(4\)\(a\)](#); S.I. 2014/889, arts. 3(m), 7(e)
- F9** Words in s. 93(4)(b) omitted (1.4.2014 for specified purposes, 1.9.2014 in so far as not already in force) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 4 para. 60\(4\)\(b\)](#); S.I. 2014/889, arts. 3(m), 7(e)

#### Commencement Information

- I7** S. 93 in force at 6.4.2007 by S.I. 2007/1019, [art. 4](#)

### **F1094** Power to amend Part 3: applications in respect of multiple premises **E+W**

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#### Textual Amendments

- F10** S. 94 omitted (1.1.2016) by virtue of [Small Business, Enterprise and Employment Act 2015 \(c. 26\)](#), s. 164(1), [Sch. 2 para. 18](#); S.I. 2015/1329, reg. 6(b)

### **95** Certain institutions not to be regarded as schools **E+W**

- (1) Section 4 of the Education Act 1996 (c. 56) (schools: general) is amended as follows.
- (2) In subsection (1) after “In this Act” insert “ (subject to subsection (1A)) ”.
- (3) After subsection (1) insert—
- “(1A) An institution which—
- (a) provides only early years provision (as defined by section 96(2) of the Childcare Act 2006), and

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(b) is not a maintained nursery school,  
is not a school.”

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**Commencement Information**

**18** S. 95 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

**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](#)