

SCHEDULES

SCHEDULE 2

Section 103(1)

MINOR AND CONSEQUENTIAL AMENDMENTS

Local Authority Social Services Act 1970 (c. 42)

- 1
- In Schedule 1 to the Local Authority Social Services Act 1970 (social services functions) after the entry relating to the Children Act 1975 insert—
- | | |
|--------------------|--|
| “Adoption Act 1976 | Functions continuing to be exercisable by virtue of any transitional or saving provision made by or under the Adoption and Children Act 2002.” |
|--------------------|--|

Magistrates' Courts Act 1980 (c. 43)

- 2
- In section 65 of the Magistrates' Courts Act 1980 (meaning of family proceedings), in subsection (1) after paragraph (n) insert—
“(nza) section 72 or section 79 of the Childcare Act 2006;”.

Supreme Court Act 1981 (c. 54)

- 3
- In Schedule 1 to the Supreme Court Act 1981 (distribution of business in High Court) in paragraph 3 (which deals with business assigned to the Family Division) after paragraph (e) insert—
“(ea) proceedings under section 79 of the Childcare Act 2006;”.

Children Act 1989 (c. 41)

- 4
- In section 18 of the Children Act 1989 (day care for pre-school and other children)—
(a) in subsection (2), after “local authority” insert “in Wales”;
(b) in subsection (6), after “local authority” insert “in Wales”.
- 5
- In the heading of Part 10A of the Children Act 1989 (child minding and day care for children in England and Wales), omit “England and”.
- 6
- In Part 10A of the Children Act 1989 (including Schedule 9A) for “the registration authority”, “a registration authority” or “the authority”, wherever occurring, substitute (in each case) “the Assembly”.
- 7
- In section 79B of the Children Act 1989 (other definitions etc.)—
(a) omit subsection (1),
(b) for subsection (2) substitute—
“(2) In this Act “the Assembly” means the National Assembly for Wales.”, and

Status: This is the original version (as it was originally enacted).

(c) for subsection (7) substitute—

“(7) “Regulations” means regulations made by the Assembly.”

8 In section 79C of the Children Act 1989 (regulations etc. governing child minders and day care providers), omit subsections (1), (4) and (5).

9 In section 79D of the Children Act 1989 (requirement to register)—

(a) for subsection (1) substitute—

“(1) No person shall act as a child minder in Wales unless he is registered under this Part for child minding by the Assembly.”,

(b) in subsection (4) omit the words “(whether the contravention occurs in England or Wales)”, and

(c) in subsection (5), after “premises” insert “in Wales”.

10 In section 79H of the Children Act 1989 (suspension of registration), omit subsection (3).

11 In section 79K of the Children Act 1989 (protection of children in an emergency), in subsection (1) after “registered” insert “under this Part”.

12 Omit sections 79N, 79Q and 79R of the Children Act 1989 (which relate only to England).

13 In section 79S of the Children Act 1989 (general functions of the Assembly), in subsection (2) omit the words from “but the regulations” to the end of the subsection.

14 In section 79U of the Children Act 1989 (rights of entry etc.) in subsection (1) omit “England or”.

15 In section 79V of the Children Act 1989 (function of local authorities), after “local authority” insert “in Wales”.

16 In section 79W of the Children Act 1989 (requirement for certificate of suitability), in subsection (1) after “children” (in the first place where it occurs) insert “in Wales”.

17 In section 105 of the Children Act 1989 (interpretation) in subsection (5A)(b) omit “England and”.

18 (1) Schedule 9A to the Children Act 1989 (child minding and day care for young children) is amended as follows.

(2) In the heading, after “children” insert “in Wales”.

(3) In paragraph 1 (exemption of certain schools), in sub-paragraph (1)(c), omit “the Secretary of State or”.

(4) In paragraph 4 (disqualification for registration)—

(a) in sub-paragraph (1), after “day care” insert “in Wales”,

(b) in sub-paragraph (2)(f), after “Part XA” insert “, or Part 3 of the Childcare Act 2006,”,

(c) in sub-paragraph (3), after “day care” (in each place where it occurs) insert “in Wales”,

(d) in sub-paragraph (4), after “day care” (in each place where it occurs) insert “in Wales”, and

(e) in sub-paragraph (5), after “day care” (in each place where it occurs) insert “in Wales”.

Status: This is the original version (as it was originally enacted).

- (5) In paragraph 5 (offences relating to disqualification)—
- (a) in sub-paragraph (1)(a)—
 - (i) after “child minder” insert “in Wales”,
 - (ii) after “child minding” insert “in Wales”,
 - (b) in sub-paragraph (1)(b) for “any of sub-paragraphs (3) to (5)” substitute “sub-paragraph (4) or (5)”, and
 - (c) for sub-paragraph (2) substitute—

“(2) A person who contravenes sub-paragraph (4) of paragraph 4 shall not be guilty of an offence under this paragraph if—

 - (a) he is disqualified for registration by virtue only of regulations made under sub-paragraph (3) of paragraph 4, and
 - (b) he proves that he did not know, and had no reasonable grounds for believing, that he was living in the same household as a person who was disqualified for registration or in a household in which such a person was employed.”
- (6) In paragraph 6 (certificates of registration), in sub-paragraph (5)—
- (a) in paragraph (a) for “(in England or in Wales)” substitute “in Wales”, and
 - (b) in paragraph (b) after “any premises” insert “in Wales”.
- (7) In paragraph 8 (co-operation between authorities), omit sub-paragraph (1).

Water Industry Act 1991 (c. 56)

- 19 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges) for paragraph 12 substitute—
- “12 (1) Premises in England which are used for the provision of childcare by a person who is registered (otherwise than as a childminder) under Part 3 of the Childcare Act 2006 in respect of the premises.
- (2) Premises in Wales which are used for the provision of day care for children by a person who is registered under Part 10A of the Children Act 1989 in respect of the premises.”

Education Act 1996 (c. 56)

- 20 In the heading to section 17 of the Education Act 1996, for “nursery education” substitute “nursery schools”.
- 21 In section 318 of the Education Act 1996 (provision of goods and services in connection with special educational needs), in subsection (3A)(a) for “receiving relevant nursery education” substitute “receiving relevant early years education”.
- 22 (1) Section 329A of the Education Act 1996 (review or assessment of educational needs at request of responsible body) is amended as follows.
- (2) In subsection (11), for “relevant nursery education” substitute “relevant early years education”.
 - (3) In subsection (13)(c), for “nursery”, in both places, substitute “early years”.

Status: This is the original version (as it was originally enacted).

- (4) For subsection (14) substitute—
- “(14) “Relevant early years education”—
- (a) in relation to England, has the same meaning as it has (in relation to England) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local education authority at a maintained nursery school for a pupil at the school;
 - (b) in relation to Wales, has the same meaning as it has (in relation to Wales) in section 123 of the School Standards and Framework Act 1998 except that it does not include early years education provided by a local education authority at a maintained nursery school.”
- 23 In section 509A of the Education Act 1996 (travel arrangements for children receiving nursery education otherwise than at school)—
- (a) in the heading and in each of subsections (1), (3) and (4) for “nursery education” substitute “early years education”, and
 - (b) for subsection (5) substitute—
- “(5) In this section “relevant early years education” means—
- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
 - (b) in relation to Wales, nursery education which is provided—
 - (i) by a local education authority in Wales, or
 - (ii) by any other person who is in receipt of financial assistance given by a local authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”
- 24 In section 512 of the Education Act 1996 (LEA functions concerning provision of meals etc.)—
- (a) in subsection (1)(c) for “relevant funded nursery education” substitute “relevant funded early years education”, and
 - (b) in subsection (6) for the definition of “relevant funded nursery education” substitute—
- ““relevant funded early years education”, in relation to a local education authority in England, means early years provision as defined by section 20 of the Childcare Act 2006 which is provided by a person, other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school, under arrangements made by a local authority in pursuance of the duty imposed by section 7 of the 2006 Act (duty to secure prescribed early years provision free of charge);

“relevant funded early years education”, in relation to a local education authority in Wales, means education provided by a person other than the governing body of a maintained school (within the meaning of section 20(7) of the School Standards and Framework Act 1998) or a maintained nursery school—

- (a) under arrangements made with that person by the authority in pursuance of the duty imposed on the authority by section 118 of that Act (duty of LEA to secure sufficient nursery education), and
- (b) in consideration of financial assistance provided by the authority under those arrangements.”

25 (1) Section 515 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.

(2) In subsection (1) after “a day nursery” insert “in England or Wales or to a registered early years provider in England”.

(3) In subsection (3)—

- (a) in paragraph (b) after “the day nursery” insert “or (as the case may be) the registered early years provider”, and
- (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
 - (i) in relation to England, any charges to be imposed in connection with the arrangements, and
 - (ii) in relation to Wales, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”

(4) For subsection (4) substitute—

“(4) In this section—

“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

26 (1) Section 535 of the Education Act 1996 (provision of teaching services for day nurseries) is amended as follows.

(2) In subsection (1) after “a day nursery” insert “in England or Wales or to a registered early years provider in England”.

(3) In subsection (3)—

- (a) in paragraph (b) after “the day nursery” insert “or (as the case may be) the registered early years provider”, and
- (b) in paragraph (c) for the words from “including” to the end of the paragraph substitute “including—
 - (i) in relation to England, any charges to be imposed in connection with the arrangements, and

Status: This is the original version (as it was originally enacted).

- (ii) in relation to Wales, where the teacher’s school and the day nursery are in the areas of different local education authorities, financial adjustments between those authorities.”

(4) For subsection (4) substitute—

“(4) In this section—

“day nursery” means a day nursery provided under section 18 of the Children Act 1989 (provision by local authorities of day care for pre-school and other children);

“registered early years provider” means a person registered under Part 3 of the Childcare Act 2006.”

27 (1) Section 548 of the Education Act 1996 (no right to give corporal punishment) is amended as follows.

(2) In subsection (1)(c) for “specified nursery education” substitute “specified early years education”.

(3) For subsection (8) substitute—

“(8) “Specified early years education” means—

(a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);

(b) in relation to Wales, full-time or part-time education suitable for children who have not attained compulsory school age which is provided—

(i) by a local education authority in Wales, or

(ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118 of the School Standards and Framework Act 1998.”

Education Act 1997 (c. 44)

28 In section 38 of the Education Act 1997 (inspection of local education authorities), in subsection (2A)(b), after “sections 25 and 26” insert “of the Children Act 2004”.

Police Act 1997 (c. 50)

29 In section 113F of the Police Act 1997 (criminal record certificates: supplementary), in subsection (1)—

(a) before paragraph (a) insert—

“(za) for the purposes of Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England) and regulations made under it, the applicant’s suitability to look after or be in regular contact with children;”,

(b) in paragraph (a), omit the words “England and”, and

(c) in paragraph (c) omit the words “section 71 of the Children Act 1989 or”.

School Standards and Framework Act 1998 (c. 31)

- 30 In section 118 of the School Standards and Framework Act 1998 (duty of LEA as respects availability of nursery education)—
- (a) in subsection (1) after “a local education authority” insert “in Wales”, and
 - (b) in subsection (2)(b) for “the Secretary of State” substitute “the National Assembly for Wales”.
- 31 Section 118A of the School Standards and Framework Act 1998 (duties of LEA in respect of childcare) is omitted.
- 32 (1) Section 119 of the School Standards and Framework Act 1998 (early years development and childcare partnerships) is amended as follows.
- (2) In subsection (1), after “local education authority” insert “in Wales”.
 - (3) In subsection (2), for “the Secretary of State” substitute “the Assembly”.
 - (4) In subsection (5), omit paragraph (ab).
 - (5) In subsection (6), for “The Secretary of State” substitute “The Assembly”.
- 33 (1) Section 122 of the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.
- (2) In the heading, after “nursery education” insert “in Wales”.
 - (3) In subsection (1), after “nursery education” insert “in Wales”.
- 34 In section 123 of the School Standards and Framework Act 1998 (children with special educational needs)—
- (a) in subsections (1)(a), (2) and (3A) for “relevant nursery education” substitute “relevant early years education”, and
 - (b) for subsection (4) substitute—
 - “(4) In this section “relevant early years education” means—
 - (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006 which is provided under arrangements made by a local authority in England in pursuance of the duty imposed by section 7 of that Act (whether or not the local authority provides the early years provision);
 - (b) in relation to Wales, nursery education which is provided—
 - (i) by a local education authority in Wales, or
 - (ii) by any other person who is in receipt of financial assistance given by such an authority under arrangements made by them in pursuance of the duty imposed by section 118.”
- 35 In section 142 of the School Standards and Framework Act 1998 (general interpretation) for subsection (5) substitute—
- “(5) For the purposes of this Act children are to be regarded as admitted to a school for nursery education if—
 - (a) in the case of a school in England, they are admitted for early years provision as defined by section 20 of the Childcare Act 2006 and

Status: This is the original version (as it was originally enacted).

- are not, or are not to be, placed on admission in a reception class or any more senior class, and
- (b) in the case of a school in Wales, if they are, or are to be, placed on admission in a nursery class.”
- 36 (1) Schedule 26 to the School Standards and Framework Act 1998 (inspection of nursery education) is amended as follows.
- (2) In the title of the Schedule after “nursery education” insert “in Wales”.
- (3) In paragraph 1(1)—
- (a) in paragraph (za) after “school” (in each place where it occurs) insert “in Wales”;
- (b) in paragraph (a) after “local education authority” insert “in Wales”;
- (c) in paragraph (b) after “local education authority” insert “in Wales”.
- (4) In paragraph 1(2) after “local education authority” insert “in Wales”.
- (5) In paragraph 1(3)(b)(ii) after “local education authority” insert “in Wales”.
- (6) In paragraph 2(1)—
- (a) omit paragraph (a), and
- (b) for paragraph (c) substitute—
- “(c) “the Chief Inspector” (without more) means the Chief Inspector for Wales.”
- (7) For paragraph 2(5) substitute—
- “(5) In this Schedule, “well-being” in relation to children for whom nursery education is provided in Wales, is a reference to their well-being having regard to the matters mentioned in section 25(2) of the Children Act 2004.”
- (8) In paragraph 3 for “the Secretary of State” substitute “the Assembly”.
- (9) In paragraph 4—
- (a) for “the Secretary of State” (in both places where it occurs) substitute “the Assembly”, and
- (b) for “the Secretary of State's” substitute “the Assembly's”.
- (10) In paragraph 5 for “the Secretary of State” substitute “the Assembly”.
- (11) Omit the following—
- (a) paragraph 6A,
- (b) in the cross-heading before paragraph 7, the words “6A or”,
- (c) in paragraph 7, the words “6A or”,
- (d) paragraph 13A,
- (e) paragraph 14(1),
- (f) in paragraph 16, the words “6A or”, and
- (g) in paragraph 18, sub-paragraphs (1)(a) and (4)(a).

Protection of Children Act 1999 (c. 14)

- 37 In section 2A of the Protection of Children Act 1999 (power of certain authorities to refer individuals for inclusion in list of persons considered unsuitable to work with children), in subsection (1)(a) for “or Part XA of the Children Act 1989” substitute “, Part 10A of the Children Act 1989 or Part 3 of the Childcare Act 2006”.
- 38 In section 9 of the Protection of Children Act 1999 (the Tribunal), in subsection (2)—
- (a) omit the “or” at the end of paragraph (e), and
 - (b) at the end of paragraph (f) insert “or
 - (g) on an appeal under, or by virtue of, Part 3 of the Childcare Act 2006.”

Criminal Justice and Court Services Act 2000 (c. 43)

- 39 In section 36 of the Criminal Justice and Court Services Act 2000 (meaning of “regulated position”) in subsection (13) for paragraph (c) substitute—
- “(c) in relation to England—
 - (i) a person registered under Part 3 of the Childcare Act 2006, otherwise than as a childminder, for providing care on premises on which the child is cared for,
 - (ii) a person registered under Part 3 of that Act as a childminder who is providing early years or later years childminding (within the meaning of that Part of that Act) for the child,
 - (ca) in relation to Wales, a person registered under Part 10A of the Children Act 1989 for providing day care on premises on which the child is cared for, and”.
- 40 In section 42 of the Criminal Justice and Court Services Act 2000 (interpretation of Part 2) in subsection (1) for the definition of “day care premises” substitute—
- ““day care premises” means—
- (a) in relation to England, premises in respect of which a person is registered, otherwise than as a childminder, under Part 3 of the Childcare Act 2006,
 - (b) in relation to Wales, premises in respect of which a person is registered under Part 10A of the Children Act 1989 for providing day care,”.

Education Act 2002 (c. 32)

- 41 In section 153 of the Education Act 2002 (powers of LEA in respect of funded nursery education)—
- (a) in subsection (1), after “local education authority” insert “in Wales”, and
 - (b) in subsection (2)(a), omit “the Secretary of State or (as respects local education authorities in Wales)”.
- 42 In section 176 of the Education Act 2002 (consultation with pupils) in subsection (3) for the definition of “pupil” substitute—
- ““pupil” does not include a child who is being provided with early years education (whether at a school or elsewhere) and, for this purpose, “early years education” means—

Status: This is the original version (as it was originally enacted).

- (a) in relation to England, early years provision as defined by section 20 of the Childcare Act 2006, and
- (b) in relation to Wales, nursery education.”

Children Act 2004 (c. 31)

- 43 In section 12 of the Children Act 2004 (information databases) in subsection (8) for paragraph (a) substitute—
- “(a) a person registered under Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England);”.

Education Act 2005 (c. 18)

- 44 In section 59(1) of the Education Act 2005 (combined reports)—
- (a) in paragraph (b) after “for children” insert “in Wales”,
 - (b) in paragraph (c) after “nursery education” insert “in Wales”,
 - (c) omit the “and” at the end of paragraph (c), and
 - (d) at the end of paragraph (d) insert “and
 - (e) Chapters 2 and 3 of Part 3 of the Childcare Act 2006 (regulation of early years and later years provision in England).”