

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Childcare Act 2006 (c. 21) 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

SCHEDULES

SCHEDULE 12

OFQUAL AND THE QCDA: MINOR AND CONSEQUENTIAL AMENDMENTS

Childcare Act 2006 (c. 21)

38 The Childcare Act 2006 is amended as follows.

Commencement Information

I1 Sch. 12 para. 38 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 39 (1) Section 41 (the learning and development requirements) is amended as follows.
- (2) In subsection (2)(c) for the words from “for the purpose” to “early learning goals” substitute “ for the specified purposes ”.
- (3) After subsection (4) insert—
- “(4A) In subsection (2)(c) “the specified purposes” means—
- (a) the purpose of ascertaining what children have achieved in relation to the early learning goals, and
 - (b) such other purposes as the Secretary of State may by order specify.”

Commencement Information

I2 Sch. 12 para. 39 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

- 40 (1) Section 42 (further provisions about assessment arrangements) is amended as follows.
- (2) In subsection (2)—
- (a) omit the “and” at the end of paragraph (b);
 - (b) after paragraph (c) insert—
 - “(d) the Qualifications and Curriculum Development Agency, and
 - (e) any other person with whom the Secretary of State has made arrangements in connection with the development, implementation or monitoring of assessment arrangements.”
- (3) Omit subsection (4).
- (4) In subsection (5) for the words before paragraph (a) substitute “ The duties that may be imposed on a person mentioned in subsection (2)(a) to (c) by virtue of subsection (1) include, in relation to persons exercising any function in connection

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with the moderation or monitoring of assessment arrangements, the duty to permit them—”.

(5) For subsection (6) substitute—

“(6) A learning and development order specifying assessment arrangements may authorise a person specified in the order to make delegated supplementary provisions in relation to such matters as may be specified in the order.

(6A) In this section “delegated supplementary provisions” means such provisions (other than provisions conferring or imposing functions on persons mentioned in subsection (2)(a) to (c)) as appear to the authorised person to be expedient for giving full effect to, or otherwise supplementing, the provisions made by the order.

(6B) A learning and development order authorising the making of delegated supplementary provisions may provide that such provisions may be made only with the approval of the Secretary of State.

(6C) Any delegated supplementary provisions, on being published as specified in the order under which they are made, are to have effect for the purposes of this Chapter as if made by the order.”

Commencement Information

I3 Sch. 12 para. 40 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

41 In section 44(1) (instruments specifying learning and development or welfare requirements) for “published as specified” substitute “ published by a person, and in the manner, specified ”.

Commencement Information

I4 Sch. 12 para. 41 in force at 1.4.2010 by [S.I. 2010/1151](#), [art. 2](#), [Sch. 1](#)

42 In section 46 (power to enable exemptions from learning and development requirements to be conferred) after subsection (1) insert—

“(1A) Regulations under subsection (1) may make provision about the conditions which may be imposed by the Secretary of State on making a direction.

(1B) If required by the Secretary of State to do so the reviewing body must keep under review the effect of a direction given under regulations made under subsection (1).

(1C) In subsection (1B) “the reviewing body” means the Qualifications and Curriculum Development Agency, or any other person, if designated as such by the Secretary of State.

(1D) A designation under subsection (1C) may make different provision for different purposes.”

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Commencement Information

I5 Sch. 12 para. 42 in force at 1.4.2010 by [S.I. 2010/1151](#), art. 2, [Sch. 1](#)

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6