

## STATUTORY INSTRUMENTS

# 2016 No. 1257

## The Childcare Act 2016 (Consequential Amendments) Regulations 2016

### PART 5

#### Consequential amendments

#### Education Act 1996

- 40.**—(1) The Education Act 1996 <sup>M1</sup> is amended as follows.
- (2) In section 451(2A) (prohibition of charges for provision of education)—
- (a) at the end of paragraph (a) omit the “or”; and
  - (b) at the end of paragraph (b) insert—  
“or
  - (c) early years provision provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision).”.
- (3) In section 509A(5)(a) (local authorities in England: travel arrangements for children receiving early years education otherwise than at school)—
- (a) the wording from “provided under arrangements” to the end becomes sub-paragraph (i); and
  - (b) at the end of sub-paragraph (i) insert—  
“or
  - (ii) provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision);”.
- (4) In section 548(8)(a) (no right to give corporal punishment)—
- (a) the wording from “provided under arrangements” to the end becomes sub-paragraph (i); and
  - (b) at the end of sub-paragraph (i) insert—  
“or
  - (ii) provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision);”.

#### Marginal Citations

- M1** 1996 c. 56. Section 451(2A) was inserted by section 17 of the [Childcare Act 2006 \(c. 21\)](#). Section 509A was inserted by section 124 of the [School Standards and Framework Act 1998 \(c. 31\)](#) and

subsection (5)(a) was amended by paragraph 23 of Schedule 2 to the Childcare Act 2006. Section 548(8) was amended by [S.I. 2010/1158](#).

### School Standards and Framework Act 1998

**41.** In the School Standards and Framework Act 1998 <sup>M2</sup>, in section 123(4)(a) (children with special educational needs)—

- (a) the wording from “provided under arrangements” to the end becomes sub-paragraph (i); and
- (b) at the end of sub-paragraph (i) insert—
  - “or
  - (ii) provided under arrangements made by a local authority in pursuance of any duty imposed under section 2 of the Childcare Act 2016 (whether or not the local authority provides the early years provision);”.

#### Marginal Citations

**M2** [1998 c. 31](#). Section 123(4) was amended by paragraph 34 of Schedule 2 to the Childcare Act 2006.

### Children Act 2004

**42.**—(1) The Children Act 2004 <sup>M3</sup> is amended as follows.

- (2) In section 18(2) (director of children's services)—
  - (a) at the end of paragraph (e) omit the “and”; and
  - (b) at the end of paragraph (f) insert—
    - “and
    - (g) any function conferred on the authority under section 2 of the Childcare Act 2016.”.
- (3) In section 23(3) (sections 20 to 22: interpretation)—
  - (a) at the end of paragraph (c) omit the “and”; and
  - (b) at the end of paragraph (d) insert—
    - “and
    - (e) any function conferred on a local authority under section 2 of the Childcare Act 2016.”

#### Marginal Citations

**M3** [2004 c. 31](#). Section 18(2) and 23(3) were amended by section 16 of, and paragraph 1 of Schedule 3 to, the Childcare Act 2006, section 194 of the [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#) and [S.I. 2010/1158](#) and section 18(2) by paragraph 264 of Schedule 1 to the [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#).

### Education and Inspections Act 2006

**43.** In the Education and Inspections Act 2006 <sup>M4</sup>, in section 135(1) (functions to which this Chapter applies and related activities)—

- (a) at the end of paragraph (e) omit the “and”; and
- (b) after paragraph (e) insert—
  - “(ea) any function conferred on the local authority under section 2 of the Childcare Act 2016; and”.

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**Marginal Citations**

**M4** 2006 c. 40. Section 135(1) was amended by [S.I. 2010/1158](#).

**Changes to legislation:**

There are currently no known outstanding effects for the The Childcare Act 2016 (Consequential Amendments) Regulations 2016, PART 5.