STATUTORY INSTRUMENTS

2018 No. 146

CHILDREN AND YOUNG PERSONS, ENGLAND

The Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2018

Made - - - -	*6th February 2018*
Laid before Parliament	*7th February 2018*
Coming into force - -	*1st April 2018*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 7 and 104 of the Childcare Act 2006(**1**).

Citation and commencement

1. These Regulations may be cited as the Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2018 and come into force on 1st April 2018.

Amendment of the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014

2. In the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014(**2**), in regulation 1(2) (interpretation)—

(a) in the definition of "eligible child"—

(i) for paragraph (a), substitute—

"(a) whose parent is entitled to any one or more of the following—

(i) child tax credit where that parent is not also entitled to working tax credit under the Tax Credits Act 2002(**3**) and has an annual gross income not exceeding £16,190;

(ii) the guaranteed element of state pension credit under the State Pension Credit Act 2002(**4**);

(**1**) 2006 c. 21. Section 7 was substituted by section 1(2) of the Education Act 2011 (c. 21).
(**2**) S.I. 2014/2147.
(**3**) 2002 c. 21.
(**4**) 2002 c. 16.

(iii) income-based jobseekers' allowance under the Jobseekers Act 1995(**5**);

(iv) income-related employment and support allowance under the Welfare Reform Act 2007(**6**);

(v) income support under the Social Security and Contributions Act 1992(**7**);

(vi) support under Part VI of the Immigration and Asylum Act 1999(**8**);

(vii) universal credit where that parent had, in the relevant assessment period, earned income not exceeding the applicable amount;

(viii) working tax credit run-on(**9**);";

(ii) for paragraph (f), substitute—

"(f) who is—

(i) currently looked after by a local authority in England within the meaning given by section 22(1) of the Children Act 1989(**10**); or

(ii) currently looked after by a local authority in Wales within the meaning given by section 74(1) of the Social Services and Well-being (Wales) Act 2014(**11**);";

(iii) for paragraph (g), substitute—

"(g) who has previously been—

(i) looked after by a local authority in England within the meaning given by section 22(1) of the Children Act 1989; or

(ii) looked after by a local authority in Wales within the meaning given by section 74(1) of the Social Services and Well-being (Wales) Act 2014,

and is no longer so looked after as a result of the making of one of the following orders—

(aa) an adoption order within the meaning given by section 46(1) of the Adoption and Children Act 2002(**12**);

(bb) a special guardianship order within the meaning given by section 14A(1) of the Children Act 1989(**13**);

(cc) a child arrangements order within the meaning given by section 8(1) of the Children Act 1989(**14**) which consists of, or includes, arrangements relating to when the child is to live with any person or with whom the child is to live or both of those things;";

(b) at the appropriate place in the alphabetical order, insert—

(**5**) 1995 c. 18
(**6**) 2007 c. 5.
(**7**) 1992 c. 4.
(**8**) 1999 c. 33.
(**9**) Working tax credits are, in certain circumstances, paid for four weeks ("run-on") following a cessation of employment.
(**10**) 1989 c. 41.
(**11**) 2014 anaw 4.
(**12**) 2002 c. 38.
(**13**) Section 14A was inserted by section 115 of the Adoption and Children Act 2002 (c. 38).
(**14**) The definition of "child arrangements order" in section 8 was amended by section 12 of the Children and Families Act 2014 (c. 6).