STATUTORY INSTRUMENTS

2017 No. 361

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Miscellaneous Amendments) Regulations 2017

Made - - - -	*8th March 2017*
Laid before Parliament	*13th March 2017*
Coming into force - -	*3rd April 2017*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 35(5)(a), 36(5)(d), 39(1), 43(1) and 44(1) to (3) of the Childcare Act 2006(**1**).

In accordance with section 42(A1) of the Childcare Act 2006(**2**) the Secretary of State has consulted the Office of Qualifications and Examinations Regulation and other appropriate persons.

In accordance with section 43(2) of the Childcare Act 2006, the Secretary of State has consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills and other appropriate persons.

Citation and commencement

1. These Regulations may be cited as the Childcare (Miscellaneous Amendments) Regulations 2017 and come into force on 3rd April 2017.

Amendment of the Early Years Foundation Stage (Learning and Development Requirements) Order 2007

2.—(1) The Early Years Foundation Stage (Learning and Development Requirements) Order 2007(**3**) is amended as follows.

(2) In article 2 (interpretation)(**4**)—

(a) in the definition of "the Document", for "31st March 2014 on the website of the Department for Education" substitute "3rd March 2017 on the gov.uk website";

(b) after the definition of "the Document" insert—

(**1**) 2006 c.21. Section 44(1) was amended by paragraph 41 of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009. Section 44(2) and (3) was amended by paragraph 11 of Schedule 4 to the Children and Families Act 2014. For the definitions of "prescribed" and "regulations" see section 106.

(**2**) Section 42(A1) was added by section 160(2) of the Apprenticeships, Skills, Children and Learning Act 2009.

(**3**) S.I. 2007/1772; relevant amending instruments are S.I. 2012/937, S.I. 2014/913.

(**4**) Amended by S.I. 2012/937 and S.I. 2014/913.

""the relevant provisions of the Document" means the provisions in Sections 1 and 2 of the Document that use the word "should".".

(3) In article 3 (specification of the learning and development requirements)(**5**)—

(a) in paragraph (1), after "Document" insert "that, by virtue of their use of the word "must", express requirements,"; and

(b) in paragraph (2), for "Sections 1 and 2" substitute "the relevant provisions".

(4) In article 5 (requirement on Chief Inspector and early years childminder agencies)(**6**) for "requirements and matters in Sections 1 and 2" substitute "learning and development requirements and matters in the relevant provisions".

(5) In article 6(1)(b) (matters to be considered by the Chief Inspector)(**7**), for "Sections 1 and 2" substitute "the relevant provisions".

(6) In article 6A(b) (matters to be considered by early years childminder agencies)(**8**), for "Sections 1 and 2" substitute "the relevant provisions".

(7) In article 7(1)(b) (proceedings under Part 3 of the Childcare Act 2006)(**9**), for "Sections 1 and 2" substitute "the relevant provisions".

(8) After article 7 insert—

"**Review**

8.—(1) The Secretary of State must from time to time—

(a) carry out a review of the regulatory provision in this Order,

(b) publish a report setting out the conclusions of the review.

(2) The first report must be published before 3rd April 2022.

(3) Subsequent reports must be published at intervals not exceeding 5 years.

(4) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(**10**) requires that a review carried out under this article must, in particular–

(a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph 1(a),

(b) assess the extent to which those objectives are achieved,

(c) assess whether those objectives remain appropriate, and

(d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(5) In this article, "regulatory provision" has the same meaning as in sections 28 to 32 of the Small Business Enterprise and Employment Act 2015 (see section 32 of that Act)."

Amendment of the Childcare (Early Years Register) Regulations 2008

3.—(1) The Childcare (Early Years Register) Regulations 2008(**11**) are amended as follows.

(**5**) Amended by S.I. 2012/937.
(**6**) Amended by S.I. 2012/937 and S.I. 2014/913.
(**7**) Amended by S.I. 2012/937 and S.I. 2014/913.
(**8**) Article 6A was added by S.I. 2014/913.
(**9**) Amended by S.I. 2012/937 and S.I. 2014/913.
(**10**) 2015 c.26
(**11**) S.I. 2008/974; the relevant amending instrument is S.I. 2014/912.