STATUTORY INSTRUMENTS

2015 No. 1562

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Miscellaneous Amendments) Regulations 2015

Made - - - -	*21st July 2015*
Laid before Parliament	*23rd July 2015*
Coming into force in accordance with regulation 1	

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 12(2), 35(2)(a), (3)(b) and (5)(b), 36(2)(a), (c), (3)(b) and (5)(b), 37(3), 39(1)(b), 43(1), 44(2) and (3), 54(2)(a), (3)(b) and (5)(b), 55(2)(a), (c), (3)(b) and (5)(b), 56(3), 59(2) to (5), 62(2)(a), 63(2)(a) and (c), 64(3), 67(2) to (5), 69, 74(2), 83(1), 83A(1)(b), 85A, 89(1) and 104(2) of the Childcare Act 2006(**1**).

The Secretary of State has consulted Her Majesty's Chief Inspector of Education, Children's Services and Skills and other appropriate persons in accordance with sections 43(2), 59(2) and 67(2) of the Childcare Act 2006.

Citation and commencement

1.—(1) These Regulations may be cited as the Childcare (Miscellaneous Amendments) Regulations 2015 and, subject to paragraph (2), come into force on 1st January 2016.

(2) Regulation 7(7)(d) comes into force on 1st September 2015.

(**1**) 2006 c. 21 ("the Act"). Section 36(2)(c) of the Act was amended by paragraph 7 of Schedule 4 to the Children and Families Act 2014 (c. 6) ("the 2014 Act"). Section 44(2) and (3) of the Act was amended by paragraph 11 of Schedule 4 to the 2014 Act. Section 55(2)(c) of the Act was amended by paragraph 18 of Schedule 4 to the 2014 Act. Section 59(4) and (5) of the Act was amended by paragraph 24 of Schedule 4 to the 2014 Act. Section 67(4) and (5) of the Act was amended by paragraph 31 of Schedule 4 to the 2014 Act. Section 69 of the Act was amended by paragraph 34 of Schedule 4 to the 2014 Act and by paragraph 16 of Schedule 2 to the Small Business, Enterprise and Employment Act 2015 (c. 26) ("the 2015 Act"). Section 83(1) of the Act was amended by S.I. 2013/630. Section 83A of the Act was inserted by paragraph 53 of Schedule 4 to the 2014 Act. Section 85A of the Act was inserted by paragraph 17 of Schedule 2 to the 2015 Act. Section 89(1) of the Act was amended by paragraph 58 of Schedule 4 to the 2014 Act. See section 106 of the Act for the definition of "prescribed" and "regulations".

PART 1

Amendments

Amendments to the Childcare (Supply and Disclosure of Information) (England) Regulations 2007

2. In Schedule 1 to the Childcare (Supply and Disclosure of Information) (England) Regulations 2007(**2**)—

(a) in paragraph 6(d) after "registration" insert ", generally or only in relation to particular premises"; and

(b) for paragraph 8(b) and (c), substitute—

"(b) the child's home,

(c) other domestic premises, or

(d) non-domestic premises.".

Amendments to the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007

3. In paragraph 1 of Schedule 1 (prescribed descriptions of information relating to childcare) to the Childcare Act 2006 (Provision of Information to Parents) (England) Regulations 2007(**3**)—

(a) for sub-paragraph (k)(ii) and (iii), substitute—

"(ii) the child's home,

(iii) other domestic premises, or

(iv) non-domestic premises;"; and

(b) in sub-paragraph (o)(iii), after "registration" insert ", generally or only in relation to particular premises".

Amendments to the Childcare (Early Years Register) Regulations 2008

4.—(1) The Childcare (Early Years Register) Regulations 2008(**4**) are amended as follows.

(2) After regulation 4 (information to accompany application for registration), insert—

"**Review**

5. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

(a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.".

(3) In Schedule 1 (applications for registration: early years childminders)—

(**2**) S.I. 2007/722, amended by S.I. 2008/961; there are other amending instruments but none are relevant.
(**3**) S.I. 2007/3490, amended by S.I. 2014/1921; there are other amending instruments but none are relevant.
(**4**) S.I. 2008/974, amended by S.I. 2014/912; there are other amending instruments but none are relevant. See section 32(2) of the Act for the meaning of "the early years register". See sections 96 and 98 of the Act for the meaning of "early years provision", "early years provider" and "early years childminding". See section 98 of the Act for the meaning of "domestic premises" and "premises".

(a) in paragraph 10(1), for "Every" substitute "If the relevant premises are domestic premises, every";

(b) after paragraph 11 insert—

"**Requirements relating to non-domestic premises**

11A. If any of the early years childminding is to be provided on non-domestic premises, the relevant person has approved the suitability of each of the non-domestic premises before the early years childminding is provided there.";

(c) in paragraph 19(1), for "The" at the beginning substitute "If the relevant premises are domestic premises, the";

(d) in paragraph 20, for "The" at the beginning substitute "If the relevant premises are domestic premises, the"; and

(e) after paragraph 22, insert—

"**Information about non-domestic premises**

23. If any of the early years childminding is to be provided on non-domestic premises, a description of each of the non-domestic premises, including a description of why each of the non-domestic premises is considered to be suitable for the early years childminding.".

(4) In Schedule 2 (applications for registration: other early years providers)—

(a) in paragraph 8(b), omit "on domestic premises";

(b) in paragraph 14—

(i) in the heading, omit "on domestic premises";

(ii) for sub-paragraph (1), substitute—

"(1) This paragraph applies in the case of early years provision which is not early years childminding by virtue of section 96(5) of the Act.";

(iii) after sub-paragraph (6) insert—

"(7) Sub-paragraphs (4) and (6) do not apply in relation to non-domestic premises.";

(c) after paragraph 14 insert—

"**Requirements relating to premises**

14A. The relevant person has approved the suitability of each of the relevant premises before the early years provision is provided there.";

(d) in paragraph 24—

(i) in the heading, omit "on domestic premises";

(ii) for sub-paragraph (1), substitute—

"(1) This paragraph applies in the case of early years provision which is not early years childminding by virtue of section 96(5) of the Act.";

(iii) after sub-paragraph (5) insert—

"(6) Sub-paragraphs (3) and (5) do not apply in relation to non-domestic premises."; and

(e) after paragraph 25, insert—

"**Information about premises**

26. A description of each of the relevant premises, including a description of why each of the relevant premises is considered to be suitable for the early years provision.".

Amendments to the Childcare (General Childcare Register) Regulations 2008

5.—(1) The Childcare (General Childcare Register) Regulations 2008(**5**) are amended as follows.

(2) After regulation 3 (revocation of the Childcare (Voluntary Registration) Regulations 2007), insert—

"**Review**

3A. By 31st December 2020, and subsequently at intervals not exceeding 5 years from that date, the Secretary of State must, in accordance with section 30 of the Small Business, Enterprise and Employment Act 2015—

(a) carry out a review of the amendments made by the Childcare (Miscellaneous Amendments) Regulations 2015 to these Regulations;

(b) set out the conclusions of the review in a report; and

(c) publish the report.".

(3) In Schedule 1 (applications for registration: later years childminders)—

(a) in paragraph 7(1), for "Every" substitute "If the relevant premises are domestic premises, every";

(b) after paragraph 8 insert—

"**Requirements relating to non-domestic premises**

8A. If any of the later years childminding is to be provided on non-domestic premises, the relevant person has approved the suitability of each of the non-domestic premises before the later years childminding is provided there.";

(c) in paragraph 12(1), for "The" at the beginning substitute "If the relevant premises are domestic premises, the";

(d) in paragraph 13, for "The" at the beginning substitute "If the relevant premises are domestic premises, the"; and

(e) after paragraph 15, insert—

"**Information about non-domestic premises**

16. If any of the later years childminding is to be provided on non-domestic premises, a description of each of the non-domestic premises, including a description of why each of the non-domestic premises is considered to be suitable for the later years childminding.".

(4) In Schedule 2 (applications for registration: other later years providers)—

(a) in paragraph 5(b), omit "on domestic premises";

(**5**) S.I. 2008/975, amended by S.I. 2009/1545 and S.I. 2014/912; there are other amending instruments but none are relevant. See section 32(3) of the Act for the meaning of "the general childcare register". See sections 96 and 98 of the Act for the meaning of "later years provision", "later years provider" and "later years childminding".

(b) in paragraph 11—

(i) in the heading, omit "on domestic premises";

(ii) for sub-paragraph (1), substitute—

"(1) This paragraph applies in the case of later years provision which is not later years childminding by virtue of section 96(9) of the Act.";

(iii) after sub-paragraph (6) insert—

"(7) Sub-paragraphs (4) and (6) do not apply in relation to non-domestic premises.";

(c) after paragraph 11 insert—

"**Requirements relating to premises**

11A. The relevant person has approved the suitability of each of the relevant premises before the later years provision is provided there.";

(d) in paragraph 17—

(i) in the heading, omit "on domestic premises";

(ii) for sub-paragraph (1), substitute—

"(1) This paragraph applies in the case of later years provision which is not later years childminding by virtue of section 96(9) of the Act.";

(iii) after sub-paragraph (5) insert—

"(6) Sub-paragraphs (3) and (5) do not apply in relation to non-domestic premises."; and

(e) after paragraph 18, insert—

"**Information about premises**

19. A description of each of the relevant premises, including a description of why each of the relevant premises is considered to be suitable for the later years provision.".

(5) In Schedule 3 (requirements governing activities: section 59)—

(a) after paragraph 9(2), insert—

"(3) This paragraph does not apply to later years childminding on non-domestic premises.";

(b) after paragraph 13, insert—

"**Approval of the suitability of additional premises**

13ZA.—(1) This paragraph applies if a later years provider ("P") proposes to provide later years provision ("the proposed provision") on additional premises.

(2) If the proposed provision is later years childminding and the additional premises are non-domestic premises, P must—

(a) demonstrate to the relevant person that the requirements in paragraphs 5 and 6 of Schedule 1 will be satisfied, and are likely to continue to be satisfied, in relation to the proposed provision; and

(b) send to the relevant person the information in paragraphs 11 and 14 to 16 of Schedule 1.