STATUTORY INSTRUMENTS

2007 No. 1019 (C. 41)

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare Act 2006 (Commencement No. 2 and Savings and Transitional Provisions) Order 2007

Made - - - - 22nd March 2007

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 104(2) and 109(2) of the Childcare Act 2006(**a**), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Childcare Act 2006 (Commencement No. 2 and Savings and Transitional Provisions) Order 2007.

(2) In this Order—

"the Act" means the Childcare Act 2006,

"the 1989 Act" means the Children Act 1989(**b**).

Provision of the Act coming into force on 30th March 2007

2. Section 99 of the Act (provision of information about young children: England)(**c**) comes into force on 30th March 2007, in so far as it is not already in force.

Provisions of the Act coming into force on 1st April 2007

3. The following provisions of the Act come into force on 1st April 2007—

section 11 (duty to assess childcare provision), in so far as it is not already in force,

section 15 (powers of Secretary of State to secure proper performance etc.),

section 16 (amendments of Children Act 2004),

in relation to England, paragraph 31 of Schedule 2 (and section 103(1) in so far as it relates to that paragraph),

section 103(2) to the extent that it relates to the provisions of Schedule 3 specified below—

in Schedule 3 the repeal—

(**a**) 2006 c. 21. The power is exercisable, as respects the provisions set out in section 110(2), (5) and (6), by the Secretary of State.
(**b**) 1989 c. 41.
(**c**) Until section 7 of the Childcare Act 2006 comes into force, section 99 has effect subject to the modifications specified in section 100(2) and (3) of that Act.

in relation to England, of section 118A of the School Standards and Framework Act 1998(**a**),

in relation to England, of section 149(1) of the Education Act 2002(**b**),

in sections 18 and 23 of the Children Act 2004(**c**), the words there specified.

Provisions of the Act coming into force on 6th April 2007

4. The following provisions of the Act come into force on 6th April 2007—

section 32 (maintenance of the two childcare registers), in so far as it requires the Chief Inspector(**d**) to maintain the second Part of the second register (Part B of the general childcare register),

section 62 (applications for registration on the general register: childminders), except subsection (1)(b), in so far as it is not already in force,

section 63 (applications for registration on the general register: other childcare providers), except subsection (1)(b), in so far as it is not already in force,

section 64 (entry on the register and certificates), in so far as it is not already in force,

section 66 (conditions on registration),

section 67 (regulations governing activities), in so far as it is not already in force,

section 68 (cancellation of registration),

section 69 (suspension of registration), in so far as it is not already in force,

section 70 (voluntary removal from register),

section 72 (protection of children in an emergency),

section 73 (procedure for taking certain steps),

section 74 (appeals), in so far as it is not already in force,

section 77 (powers of entry)(**e**),

section 78 (requirement for consent to entry),

section 79 (power of constable to assist in exercise of powers of entry)(**f**),

section 82 (supply of information to Chief Inspector),

section 83 (supply of information to HMRC and local authorities), in so far as it is not already in force,

section 84 (disclosure of information for certain purposes), in so far as it is not already in force,

section 85 (offence of making false or misleading statement),

section 86 (time limit for proceedings),

section 87 (offences by bodies corporate),

section 88 (unincorporated associations),

section 90 (cases where consent to disclosure withheld), in so far as it is not already in force,

section 91 (co-operation between authorities),

section 93 (notices),

section 94 (power to amend Part 3: applications in respect of multiple premises),

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(**a**) 1998 c. 31.
(**b**) 2002 c. 32.
(**c**) 2004 c. 31.
(**d**) For the definition of "the Chief Inspector" see section 98(1) of the Childcare Act 2006, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c. 40).
(**e**) Section 77 is amended by paragraph 113 of Schedule 14 to the Education and Inspections Act 2006.
(**f**) Section 79 is amended by paragraph 114 of Schedule 14 to the Education and Inspections Act 2006.

section 96 (meaning of early years and later years provision etc.), in so far as it is not already in force,

section 97 (employees not to be regarded as providing childcare),

paragraphs 2, 3, 19, 29(a), 37, 38, 39, 40 and 43 of Schedule 2 (and section 103(1) in so far as it relates to those paragraphs),

section 103(2) to the extent that it relates to the provision of Schedule 3 specified below—

in Schedule 3 the repeal in section 9(2) of the Protection of Children Act 1999(**a**) of the word "or" there specified.

Provision of the Act coming into force on 1st May 2007

5. Section 12 of the Act (duty to provide information, advice and assistance) comes into force on 1st May 2007, in so far as it requires an English local authority to establish and maintain a service providing information relating to the provision of childcare in the area of the local authority by persons registered under Chapter 4 (voluntary registration) of Part 3 of the Act.

Savings and transitional provisions

6. The Schedule to this Order has effect for the purposes of making savings and transitional provisions in relation to the provisions to which it refers.

Beverley Hughes
Minister of State
22nd March 2007 Department for Education and Skills

SCHEDULE

Article 6

Savings and transitional provisions

1. Section 118A(3) and (4) of the School Standards and Framework Act 1998 (duties of LEA in respect of childcare) continues to have effect until section 12 of the Act is fully in force.

2. A person who provides or proposes to provide early years childminding or later years childminding for children who have not attained the age of eight, and who is not required to be registered under the 1989 Act for child minding may, until sections 33 and 52 of the Act are fully in force, make an application for registration under section 62(1) of the Act.

3. A person who provides or proposes to provide early years provision or later years provision for a child who has not attained the age of eight, and who is not required to be registered in respect of the provision of day care under the 1989 Act may, until sections 34 and 53 of the Act are fully in force, make an application for registration under section 63(1) of the Act.

4. Despite the amendment made by paragraph 19 of Schedule 2 to the Act, paragraph 12 of Schedule 4A to the Water Industry Act 1991(**b**) as originally enacted continues to have effect in relation to premises in England which are used for the provision of day care for children by a person who is registered under Part 10A of the 1989 Act in respect of the premises.

5. Despite the amendment made by paragraph 39 of Schedule 2 to the Act, section 36(13) of the Criminal Justice and Court Services Act 2000(**c**) as originally enacted continues to have effect in

(**a**) 1999 c. 14.
(**b**) 1991 c. 56.
(**c**) 2000 c. 43.

relation to a person registered under Part 10A of the 1989 Act for providing day care on any premises in England.

6. Despite the amendment made by paragraph 40 of Schedule 2 to the Act, the definition of "day care premises" in section 42(1) of the Criminal Justice and Court Services Act 2000 as originally enacted continues to have effect in relation to England in relation to a person who is registered under Part 10A of the 1989 Act for providing day care.

7. Despite the amendment made by paragraph 43 of Schedule 2 to the Act, regulations under section 12(6)(c) of the Children Act 2004 may, until sections 33, 34, 52 and 53 of the Act are fully in force, make provision permitting a person registered in England for child minding or the provision of day care under Part 10A of the 1989 Act, to disclose information for inclusion in a database established under section 12 of the Children Act 2004.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings provisions of the Childcare Act 2006 ("the Act") into force on 30th March, 1st April, 6th April and 1st May 2007. The provisions are listed in articles 2 to 5. Article 6 and the Schedule make savings and transitional provisions.

Article 2 brings section 99 (in so far as it is not already in force) of the Act into force on 30th March 2007. Section 99 concerns the provision of information about young children in England.

Article 3 brings provisions in Part 1 (general functions of local authority: England) of, and Schedules 2 (minor and consequential amendments) and 3 (repeals) to, the Act into force on 1st April 2007. Section 11 of the Act is commenced in so far as it is not already in force, and requires an English local authority to assess the sufficiency of childcare in their area. Section 118A of the School Standards and Framework Act 1998 (duties of LEA in respect of childcare), which makes similar provision, is repealed subject to a transitional provision in the Schedule (paragraph 1). Article 3 also brings sections 15 and 16 of the Act into force. Section 16 amends the Children Act 2004 so that functions of the director of children's services of an English local authority include functions of the authority under Part 1 of the Act and those functions are children's services for the purpose of joint area reviews.

Article 4 brings provisions in Part 3 (regulation of provision of Childcare in England) and Part 4 (miscellaneous and general) of, and Schedule 2 and 3 to, the Act into force on 6th April 2007. Section 32 of the Act is brought into force in so far as it requires the Chief Inspector to maintain Part B of the general childcare register. Article 4 also brings into force provisions in Chapter 4 (voluntary registration) and Chapter 5 (common provisions) of Part 3, and certain paragraphs in Schedule 2 and Schedule 3 to the Act.

Article 5 brings section 12 of the Act into force on 1st May 2007, to the extent that it requires an English local authority to provide information about the provision of childcare made by persons registered under Chapter 4 (voluntary registration) of Part 3 of the Act.

Article 6 and the Schedule make savings and transitional provisions in respect of the persons who may make an application for registration under section 62(1) or 63(1) of the Act (paragraphs 2 and 3); premises that are not to be disconnected for non-payment of charges by virtue of the Water Industry Act 1991 (paragraph 4); the meaning of "regulated position" and "day care premises" for the purposes of the Criminal Justice and Court Services Act 2000 (paragraphs 5 and 6); and provision permitting a person registered in England for child minding or the provision of day care under Part 10A of the 1989 Act, to disclose information for inclusion in a database established under section 12 of the Children Act 2004.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement order made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 1 (partially)	20th December 2006	2006/3360
Section 11 (partially)	20th December 2006	2006/3360
Section 12 (partially)	20th December 2006	2006/3360
Section 13 (partially)	20th December 2006	2006/3360
Section 18	20th December 2006	2006/3360
Section 19	20th December 2006	2006/3360
Section 20	20th December 2006	2006/3360
Section 21	20th December 2006	2006/3360
Section 39	20th December 2006	2006/3360
Section 41	20th December 2006	2006/3360
Section 42	20th December 2006	2006/3360
Section 43	20th December 2006	2006/3360
Section 44	20th December 2006	2006/3360
Section 45	20th December 2006	2006/3360
Section 46	20th December 2006	2006/3360
Section 62 (partially)	20th December 2006	2006/3360
Section 63 (partially)	20th December 2006	2006/3360
Section 64 (partially)	20th December 2006	2006/3360
Section 67 (partially)	20th December 2006	2006/3360
Section 69 (partially)	20th December 2006	2006/3360
Section 71	20th December 2006	2006/3360
Section 74 (partially)	20th December 2006	2006/3360
Section 75	20th December 2006	2006/3360
Section 83 (partially)	20th December 2006	2006/3360
Section 84 (partially)	20th December 2006	2006/3360
Section 89	20th December 2006	2006/3360
Section 90 (partially)	20th December 2006	2006/3360
Section 92 (partially)	20th December 2006	2006/3360
Section 96 (partially)	20th December 2006	2006/3360
Section 98	20th December 2006	2006/3360
Section 99 (partially)	20th December 2006	2006/3360
Section 100	20th December 2006	2006/3360
Section 102 (in relation to England)	20th December 2006	2006/3360

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