This Statutory Instrument has been made in consequence of defects in S.I. 2015/448, S.I. 2016/793 and S.I. 2016/1021 and is being issued free of charge to all known recipients of those Statutory Instruments.

STATUTORY INSTRUMENTS

2017 No. 1101

CHILDCARE

PAYMENT SCHEME

The Childcare Payments (Eligibility) (Amendment) Regulations 2017

Made - - - -	*15th November 2017*
Laid before Parliament	*16th November 2017*
Coming into force - -	*7th December 2017*

The Treasury make the following Regulations in exercise of the powers conferred by sections 9(2) and (3) and 69(2)(c) of the Childcare Payments Act 2014(**a**).

Citation and commencement

1. These Regulations may be cited as the Childcare Payments (Eligibility) (Amendment) Regulations 2017 and will come into force on 7th December 2017.

Amendment of the Childcare Payments (Eligibility) Regulations 2015

2. The Childcare Payments (Eligibility) Regulations 2015(**b**) are amended as follows.

3. In regulation 9 (the requirement to be in qualifying paid work)—

(a) in paragraph (1)(**c**) for "hold" substitute "holds",

(b) in paragraph (1)(b)(ii) omit "four times",

(c) at the end of paragraph (1)(b)(ii) insert—

"; or

(c) the person is in paid work as an employed person and as a self-employed person and the person's expected income from the work in the period specified in paragraph (4) is greater than or equal to the relevant threshold.",

(d) in paragraph (1A)(**d**) for "regulation 9(1) will" substitute "paragraph (1) does",

(e) in paragraphs (2)(a)(ii) and (2)(b)(ii) for "14" substitute "31", and

(**a**) 2014 c. 28.
(**b**) S.I. 2015/448, amended by S.I. 2016/793 and 2016/1021.
(**c**) Regulation 9(1) and (1)(b)(ii) were amended by S.I. 2016/1021.
(**d**) Regulation 9(1A) and (5A) were inserted by S.I. 2016/1021.

(f) in paragraph (5A) omit "previous".

4. In regulation 10 (calculation of expected income) omit paragraph (5)(**a**).

5. In regulation 11 (self-employed persons: start-up periods)—

(a) in paragraphs (1)(**b**) and (4) after "regulation 9(1)(b)" insert "or (c)", and

(b) in paragraph (3) for "4 calendar years" substitute "at least 48 months".

6. In regulation 12 (qualifying paid work: time off in connection with sickness or parenting)—

(a) in paragraph (1)(f) omit "ordinary or additional",

(b) in paragraph (1)(g) for "an ordinary" substitute "a",

(c) omit paragraph (1)(h)(**c**), and

(d) in paragraph (4) for "14" substitute "31".

7. In regulation 13 (qualifying paid work: caring, incapacity for work or limited capability for work) at paragraph (1)(b)(v) substitute—

"(v) contributory employment and support allowance under section 1 of the Welfare Reform Act 2007(**d**) or section 1 of the Welfare Reform Act (Northern Ireland) 2007(**e**); or".

David Evennett
Andrew Griffiths
15th November 2017 Two of the Lords Commissioners of Her Majesty's Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Childcare Payments (Eligibility) Regulations 2015 (S.I. 2015/448) ("the 2015 Regulations") which contain the detailed requirements a person must satisfy in order to be able to receive top-up payments under the Childcare Payments Act 2014 (c. 28).

Regulations 3 to 5 make minor changes to the 2015 Regulations to ensure that they operate as intended. Regulation 3(f) extends the period a parent can apply for childcare payments ahead of starting or returning to work, from 14 to 31 days. Regulations 6 and 7 amend cross-references in the 2015 Regulations to other legislation. Regulation 6(d) extends the period a parent can make a declaration in advance of returning from sickness or parenting leave from 14 to 31 days.

A full Impact Assessment of the effect that the introduction of the childcare payments scheme, will have on the costs of business and the voluntary sector was published on 10th June 2014 alongside the draft Childcare Payments Bill and was updated on 20th November 2014. They are available from the gov.uk website at https://www.gov.uk/government/publications/tax-free-childcare-impact-assessment. They remain an accurate summary of the impacts that apply to this instrument. An updated Impact Assessment was made on 30th March 2017 and is available at the gov.uk website.

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(**a**) Paragraph (5) was amended by S.I. 2016/1021.
(**b**) Paragraph (1) was substituted by S.I. 2016/1021.
(**c**) Regulation 12(h) was amended by S.I. 2016/793.
(**d**) 2007 c. 5; section 1 was amended by section 9(3)(b) of and Part 1 of Schedule 7 to the Welfare Reform Act 2009 (c. 24) and sections 50(1), 52(2), 53, 54(2) and 62(2) and (3) of, paragraph 23 of Schedule 3 to, and Part 1 of Schedule 14 to the Welfare Reform Act 2012 (c. 5).
(**e**) 2007 c. 2; section 1 was amended by S.I. 2015/2006 (N.I. 1).

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