STATUTORY INSTRUMENTS

2024 No. 1019

CHILDREN AND YOUNG PERSONS, ENGLAND

The Levelling-up and Regeneration Act 2023 (Miscellaneous Amendment) Regulations 2024

Made - - - -	*9th October 2024*
Laid before Parliament	*11th October 2024*
Coming into force - -	*1st November 2024*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 37(3)(**a**), 37A(3)(**b**), 39(1)(b), 43(1)(d), 44(1)(**c**), 56(3)(**d**), 56A(3)(**e**), 64(3)(**f**), and 65A(5)(**g**) of the Childcare Act 2006, and section 250 of the Levelling-up and Regeneration Act 2023(**h**).

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

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Levelling-up and Regeneration Act 2023 (Miscellaneous Amendment) Regulations 2024 and come into force on 1st November 2024.

(2) They extend to England and Wales, but apply in relation to England only.

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(**i**) is amended as follows.

(**a**) 2006 c. 21 ("the 2006 Act"). Section 37 was amended by paragraph 8(2) and (3) of Schedule 4 to the Children and Families Act 2014 (c. 6) ("the 2014 Act"), paragraph 4 of Schedule 2 to the Small Business, Enterprise and Employment Act 2015 (c. 26) ("the 2015 Act"), and further amendment by paragraphs 7(2), (3)(a) and (b) and (5) of the Levelling-up and Regeneration Act 2023 (c. 55) ("the LURA").

(**b**) Section 37A was inserted by paragraph 9 of Schedule 4 to the 2014 Act, and was amended by paragraph 5 of Schedule 2 to the 2015 Act and paragraph 8 of Schedule 23 to the LURA.

(**c**) Section 44(1) was substituted by paragraph 14 of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), and paragraph 11(2)(a) and (b), (3) and (4) of Schedule 4 to the 2014 Act.

(**d**) Section 56 was amended by paragraph 19(2) and (3) of Schedule 4 to the 2014 Act, paragraph 8 of Schedule 2 to the 2014 Act, and paragraph 13 of Schedule 23 to the LURA.

(**e**) Section 56A was inserted by paragraph 20 of Schedule 4 to the 2014 Act and amended by paragraph 9 of Schedule 2 to the 2014 Act, and paragraph 14 of Schedule 23 to the LURA.

(**f**) Section 64 was amended by paragraph 13 of Schedule 2 to the 2015 Act and by paragraph 19 to the LURA.

(**g**) Section 65A was inserted by paragraph 29 of Schedule 4 to the 2014 Act, paragraphs 15(a) and (b) of the 2015 Act and paragraph 21 of the LURA.

(**h**) 2023, c. 55.

(**i**) S.I. 2007/1772; relevant amending instruments are S.I. 2012/937, 2014/913, 2017/361, 2020/444 and 939, 2021/234 and 432 and 2023/780 and 1338.

(2) In article 2 (interpretation), for the definition of "the Document" substitute—

""the Document" means in the case of—

(a) a person who is registered under section 37(1) or (2A)(**a**) or section 37A(1) or (1A)(**b**) of the Act as an early years childminder(**c**), the document entitled "Early Years Foundation Stage Statutory Framework for Childminders" dated 11th October 2024 and published by the Secretary of State on the gov.uk website(**d**);

(b) a person who—

(i) is registered as an early years provider(**e**) other than a childminder under section 37(2) or 37A(2) of the Act; or

(ii) would be required by section 34(1) or (1A) of the Act to be registered to provide early years provision but for section 34(2) of the Act,

the document entitled "Early Years Foundation Stage Statutory Framework for Group and School-based Providers" dated 11th October 2024 and published by the Secretary of State on the gov.uk website(**f**);".

Amendment of the Childcare (Early Years Register) Regulations 2008

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

(2) In regulation 3 (prescribed requirements for registration)—

(a) in paragraph (1), after "section 35(3)(b)" insert—

"and, in respect of an application for registration under section 36(1)(b)(**h**) (applications for registration: other early years providers), section 36(3)(b)";

(b) for paragraph (2) substitute—

"(2) In respect of an application for registration under section 36(1)(a) or (1A) of the Act, Part 1 of Schedule 2 contains requirements prescribed for the purposes of section 36(3)(b) of the Act.".

(3) In regulation 4 (information to accompany application for registration)—

(a) in paragraph (1), after "section 35(1)" insert "or 36(1)(b)";

(b) in paragraph (2), for "section 36(1)" substitute "section 36(1)(a)".

Amendment of the Childcare (General Childcare Register) Regulations 2008

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

(2) In regulation 2 (interpretation) in the definition of "childminder's assistant", omit "on domestic premises and".

(3) In regulation 4 (prescribed requirements for registration)—

(a) in paragraph (1), after "section 54(3)(b)" insert—

(**a**) Section 37 was amended by paragraph 7 of Schedule 23 to the LURA.
(**b**) Section 37A was amended by paragraph 8 of Schedule 23 to the LURA.
(**c**) For the definition of "early years childminding", see section 96(4) and (5) of the 2006 Act, as amended by section 76 of the 2015 Act and sections 237(1) and 238 of the LURA. From 1st November 2024, amendments made to Part 3 of the 2006 Act by sections 237 and 238 of, and Schedule 23 to, the LURA provide that a person may be registered as an "early years childminder with domestic premises" (where at least some or all of the childminding is provided on domestic premises) or as an "early years childminder without domestic premises" (where none of the childminding is provided on domestic premises).
(**d**) Early Years Foundation Stage Statutory Framework for Childminders published at www.gov.uk.
(**e**) For the definition of "early years provider", see section 96(3) of the 2006 Act.
(**f**) Early Years Foundation Stage Statutory Framework for Group and School-based Providers published at www.gov.uk.
(**g**) S.I. 2008/974, as amended by S.I. 2010/677, 2012/939, 2014/2103, 2014/912, 2015/1562, 2017/361 and 2023/1338.
(**h**) Section 36 was amended by paragraph 6 of Schedule 23 to the LURA.
(**i**) S.I. 2008/975, as amended by S.I. 2009/1545, 2012/1699, 2014/912 and 2015/1562. The definition of "childminder's assistant" was inserted by S.I. 2012/1699.

"and, in respect of an application for registration under section 55(1)(b)(**a**) (applications for registration: other later years providers), section 55(3)(b)";

(b) for paragraph (2), substitute—

"(2) In respect of an application for registration under section 55(1)(a) or (1A) of the Act, Part 1 of Schedule 2 contains requirements prescribed for the purposes of section 55(3)(b) of the Act.".

(4) In regulation 5 (information to accompany application for registration)—

(a) in paragraph (1), after "section 54(1)" insert "or 55(1)(b)";

(b) in paragraph (2), for "section 55(1)" substitute "section 55(1)(a)".

(5) In regulation 11 (information to accompany application for registration) —

(a) in paragraph (1), after "section 62(1)" insert "or 63(1)(b)(**b**)";

(b) in paragraph (3), after "section 62(1)" insert "or 63(1)(b)".

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

(a) in paragraph 5(b)(**c**), after "which would be later years childminding" insert ", at least some or all of which is on domestic premises,";

(b) in paragraph 11(1)(**d**), after "which is not later years childminding", insert ", at least some or all of which is on domestic premises,".

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

(a) in the opening words of paragraph 2(1), after "later years childminding" insert—

"in respect of which a person is required to be registered by section 52(1)(**e**) or 53(1)(b)(**f**) of the Act";

(b) in the opening words of paragraph 2(2), after "later years childminding" insert—

"in respect of which a person is required to be registered by section 52(1) or 53(1)(b) of the Act";

(c) in paragraph 6A(2)(**g**)—

(i) after "When later years childminding" insert—

"in respect of which a person is required to be registered by section 52(1) or 53(1)(b) of the Act";

(ii) after "other than later years childminding" insert—

"in respect of which a person is required to be registered by section 52(1) or 53(1)(b) of the Act";

(d) after paragraph 9 insert—

"**9A.** If the registered person is a later years childminder without domestic premises ("P"), P must inform the parents of children for whom P provides the later years childminding that P is not permitted to provide any later years childminding under that registration from any domestic premises.";

(e) in the opening words of paragraph 13ZA(2)(**h**) (approval of the suitability of additional premises), after "later years childminding" insert—

"in respect of which a person is required to be registered by section 52(1) or 53(1)(b) of the Act";

(**a**) Section 55 was amended by paragraph 12 of Schedule 23 to the LURA.
(**b**) Section 63 was amended by paragraph 18 of Schedule 23 to the LURA.
(**c**) Paragraph 5 was inserted by S.I. 2024/912.
(**d**) Paragraph 11(1) was substituted by S.I. 2015/1562.
(**e**) Section 52 was amended by paragraph 9 of Schedule 23 to the LURA.
(**f**) Section 53 was amended by paragraph 10 of Schedule 23 to the LURA.
(**g**) Paragraph 6A was inserted by S.I. 2014/912.
(**h**) Paragraph 13ZA was inserted by S.I. 2015/1562.

(f) in the opening words of paragraph 13ZA(3), after "would be later years childminding" insert ", at least some or all of which is on domestic premises,".

(8) In Schedule 5 (applications for registration in Part B of the general childcare register: other childcare providers)—

(a) in paragraph 9(1)(**a**) after "later years childminding" insert ", at least some or all of which is on domestic premises,";

(b) in paragraph 17(1)(**b**) after "later years childminding" insert ", at least some or all of which is on domestic premises,".

(9) In Schedule 6 (requirements governing the activities of person registered voluntarily)—

(a) for paragraph 11(3) substitute—

"(3) This paragraph does not apply—

(a) if the registered person is a home child-carer; or

(b) where the relevant premises are non-domestic premises(**c**) and the registered person is—

(i) a childminder (whether with or without domestic premises); or

(ii) a provider of childcare other than a childminder who is registered to provide childcare which is not early years childminding or later years childminding, at least some or all of which is on domestic premises, by virtue of section 96(5) or (9) of the Act.";

(b) after paragraph 11 insert—

"**11A.** If the registered person is a childminder without domestic premises ("P"), P must inform the parents of children for whom P provides the early years or the later years childminding that P is not permitted to provide any early years or later years childminding under that registration from any domestic premises.";

(c) in paragraph 13(2), after "other than childminding" insert—

"provided by a person registered as a childminder (whether with or without domestic premises) under Chapter 4 of Part 3 of the Act,";

(d) in paragraph 14A—

(i) in sub-paragraph (2), after "(or both)" insert—

"provided by a person registered as a childminder (whether with or without domestic premises) under Chapter 4 of Part 3 of the Act";

(ii) for the opening words of sub-paragraph (3) substitute—

"If the proposed provision would be early years childminding or later years childminding, at least some or all of which is on domestic premises, but for section 96(5) or (9) of the Act, P must—".

Amendment of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008

5.—(1) The Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008(**d**) are amended as follows.

(2) In regulation 2 (interpretation), in the definition of "registered person", after "(voluntary registration)" insert "of Part 3".

(**a**) Paragraph 9(1) was substituted by S.I. 2015/1562.
(**b**) Paragraph 17(1) was substituted by S.I. 2015/1562.
(**c**) See section 98(1) (interpretation of Part 3), as amended by paragraph 24 of Schedule 23 to the LURA as to the meaning of "non-domestic premises".
(**d**) S.I. 2008/976, as amended by S.I. 2010/2582, 2011/2581, 2014/1921, 2015/1562, 2016/211 and 2018/116; for the meaning of "registered person" and "approved premises" see regulation 2 of that instrument.

(3) In regulation 6(1) (content of certificate of registration issued by the Chief Inspector)—

(a) for sub-paragraph (f) substitute—

"(f) whether—

(i) in the case of a person who is registered in the early years register or in Part A of the general childcare register, the registered person is registered as—

(aa) an early years childminder with or without domestic premises;

(bb) a later years childminder with or without domestic premises;

(cc) an early years provider other than a childminder;

(dd) a later years provider other than a childminder;

(ii) in the case of a person who is registered in Part B of the general childcare register, the registered person is registered as—

(aa) a childminder with or without domestic premises; or

(bb) a provider of childcare other than a childminder.";

(b) for sub-paragraphs (h) and (i) substitute—

"(h) if the registered person is registered as an early years childminder or as a later years childminder (whether with or without domestic premises) under Chapter 2 or 3 or, as the case may be, as a childminder (whether with or without domestic premises) under Chapter 4 of Part 3 of the Act—

(i) the address of any domestic premises where the registered person provides the early years childminding or the later years childminding; and

(ii) the address of any approved premises which are non-domestic premises;

(i) if the registered person provides early years provision or later years provision which would be early years childminding or later years childminding, at least some or all of which is on domestic premises, but for section 96(5) or (9) of the Act, the address of the approved premises;".

(4) In regulation 7A(**a**) (content of certificate of registration issued by a childminder agency)—

(a) for paragraph (d) substitute—

"(d) whether—

(i) in the case of a person who is registered as an early years provider under Chapter 2, or as a later years provider under Chapter 3, of part 3 of the Act, the registered person is registered as—

(aa) an early years childminder with or without domestic premises;

(bb) a later years childminder with or without domestic premises;

(cc) an early years provider other than a childminder;

(dd) a later years provider other than a childminder;

(ii) in the case of a person who is registered on a voluntary basis under Chapter 4 of Part 3 of the Act, the registered person is registered as—

(aa) a childminder with or without domestic premises; or

(bb) a provider of childcare other than a childminder";

(b) for paragraph (h) substitute—

"(h) if the registered person is registered as an early years childminder or as a later years childminder (whether with or without domestic premises) under Chapter 2 or 3 or, as the case may be, as a childminder (whether with or without domestic premises) under Chapter 4, of Part 3 of the Act—

(**a**) Regulation 7A was inserted by S.I. 2014/1921.

(i) the address of any domestic premises where the registered person provides the early years childminding or the later years childminding; and

(ii) the address of any approved premises which are non-domestic premises".

Amendment of the Childcare (Exemptions from Registration) Order 2008

6.—(1) The Childcare (Exemptions from Registrations) Order 2008(**a**) is amended as follows.

(2) In article 2 (exemptions)—

(a) in paragraph (1), for "(requirement to register: early years childminders)" substitute "(requirement to register: early years childminders with domestic premises)";

(b) after paragraph (1) insert—

"(1A) Section 34(1) (requirement to register: other early years providers) of the Act does not apply in relation to early years childminding in the circumstances specified in articles 3(1)(b) or (c) to (e).";

(c) in paragraph (3), for "(requirement to register: later years childminders for children under eight)" substitute "(requirement to register: later years childminders for children under eight with domestic premises)";

(d) after paragraph (3) insert—

"(3A) Section 53(1) of the Act (requirement to register: other later years providers for children under eight) does not apply in relation to later years childminding in the circumstances specified in articles 3(1)(b) or (c) to (e).".

Amendment of the Childcare (Fees) Regulations 2008

7.—(1) The Childcare (Fees) Regulations(**b**) are amended as follows.

(2) In the opening words of regulation 2A(**c**) (fees that do not apply to certain childcare providers in respect of non-domestic premises) after "that would be childminding" insert ", at least some or all of which is on domestic premises,".

(3) In regulation 3 (application fee for the early years register: early years childminders), after "section 35(1)(a)"(**d**) insert "or 36(1)(b)(i)"(**e**).

(4) In the opening words of regulation 4 (application fee for the early years register: other early years providers), for "section 36(1)" substitute "section 36(1)(a)".

(5) In regulation 5 (application fee for Part A of the general childcare register: later years childminders), after "section 54(1)(a)"(**f**) insert "or 55(1)(b)(i)"(**g**).

(6) In regulation 6 (application fee for Part A of the general childcare register: other later years providers), for "section 55(1)" substitute "section 55(1)(a)".

(7) In regulation 7 (application fee for Part B of the general childcare register: childminders), after "section 62(1)" insert "or 63(1)(b)"(**h**).

(8) In regulation 8 (application fee for Part B of the general childcare register: other childcare providers), for "section 63(1)" substitute "section 63(1)(a)".

(9) In regulation 9 (annual fee for childminders registered in the early years register)—

(a) in paragraph (1), after section "section 37(1)" insert "or 37(2A)";

(b) in paragraph (3)(b), after "section 37(1)" insert "or 37(2A)".

(**a**) S.I. 2008/979, as amended by S.I. 2010/744, 2011/584, 2014/913, 1921, 2015/963 and 1562 and 2020/700.
(**b**) S.I. 2008/1804, as amended by S.I. 2010/307, 2017/768, 2019/835, 2021/432, and 2023/276.
(**c**) Regulation 2A was inserted by S.I. 2015/1562.
(**d**) Those words were inserted by S.I. 2014/1921.
(**e**) Section 36(1)(b) was substituted by paragraph 6(2) of Schedule 23 to the LURA.
(**f**) Those words were inserted by S.I. 2014/1921.
(**g**) Section 55(1)(b) was substituted by paragraph 12(2) of Schedule 23 to the LURA.
(**h**) Section 63(1)(b) was substituted by paragraph 18 of Schedule 23 to the LURA.

(10) In regulation 11 (annual fee for later years childminders registered in Part A of the general childcare register)—

(a) in paragraph (1), after "section 56(1) "insert "or 56(2A)";

(b) in paragraph (3)((b) after "section 56(1)" insert "or 56(2A)".

(11) In regulation 13(1) (further provision about annual fees for Part A of the general childcare register), after "section 37(1)" insert "or 37(2A)".

(12) In regulation 14(1) (annual fee for childminders registered in Part B of the general childcare register)—

(a) in paragraph (1) after "section 64(1)" insert "or 64(2A)(**a**)";

(b) in paragraph (3)(b) after "section 64(1)" insert "or 64(2A)".

(13) In regulation 16(1) (further provision about annual fees for Part B of the general childcare register)—

(a) in sub-paragraph (a), after "section 37(1)" insert "or 37(2A)";

(b) in sub-paragraph (b), after "section 56(1)" insert "or 56(2A)".

Amendment of the Early Years Foundation Stage (Welfare Requirements) Regulations 2012

8.—(1) The Early Years Foundation Stage (Welfare Requirements) Regulations 2012(**b**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of "the Document" substitute—

""the Document" means in the case of—

(a) a person who is registered under section 37(1) or (2A) or section 37A(1) or (1A) of the Act as an early years childminder, the document entitled "Early Years Foundation Stage Statutory Framework for Childminders" dated 11th October 2024 and published by the Secretary of State on the gov.uk website;

(b) a person who—

(i) is registered as an early years provider other than a childminder under section 37(2) or 37A(2) of the Act; or

(ii) would be required by section 34(1) or (1A) of the Act to be registered to provide early years provision but for section 34(2) of the Act,

the document entitled "Early Years Foundation Stage Statutory Framework for Group and School-based Providers" dated 11th October 2024 and published by the Secretary of State on the gov.uk website;".

(3) In regulation 3(2A) (specification of the welfare requirements)—

(a) in sub-paragraph (a), after "3.9," insert "3.18,";

(b) in sub-paragraph (b), for "paragraphs 3.9, 3.18, 3.19, 3.20, 3.58, 3.60, 3.64, 3.88 and 3.89" substitute "paragraphs 3.8, 3.17, 3.18, 3.19, 3.59, 3.63, 3.64, 3.87 and 3.89".

(4) In regulation 8A (approval of the suitability of additional premises)—

(a) in paragraph (2), after "early years childminding" insert—

"in respect of which the person is required to be registered by section 33(1) or 34(1)(b) of the Act";

(b) in paragraph (3), for the opening words substitute—

"If the proposed provision would be early years childminding, at least some or all of which is on domestic premises, but for section 96(5) of the Act, P must—".

(**a**) Section 64(2A) was inserted by paragraph 19(4) of Schedule 23 to the LURA.

(**b**) S.I. 2012/938. Relevant amending instruments are S.I. 2014/912, 2015/1562, 2017/361, 2020/444 and 939, 2022/1133 and 2023/780 and 1338.

Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014

9.—(1) The Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014(**a**) are amended as follows.

(2) In regulation 13(1) (effect of cancellation of an early years childminder agency)—

(a) for sub-paragraph (a), substitute—

"(a) in the case of a person who is registered as an early years childminder with domestic premises under Chapter 2 of Part 3 of the Act, the person is deemed registered in the early years register under section 37(1) of the Act;

(aa) in the case of a person who is registered as an early years childminder without domestic premises under Chapter 2 of Part 3 of the Act, the person is deemed registered in the early years register under section 37(2A) of the Act;";

(b) for sub-paragraph (c), substitute—

"(c) in the case of a person who is registered as childminder with domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(1) of the Act;

(ca) in the case of a person who is registered as a childminder without domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(2A) of the Act;".

(3) In paragraph 14(1) (effect of cancellation of a later years childminder agency)—

(a) for sub-paragraph (a) substitute—

"(a) in the case of a person who is registered as a later years childminder with domestic premises under Chapter 3 of Part 3 of the Act, the person is deemed registered in Part A of the general childcare register under section 56(1) of the Act;

(aa) in the case of a person who is registered as a later years childminder without domestic premises under Chapter 3 of Part 3 of the Act, the person is deemed registered in Part A of the general childcare register under section 56(2A) of the Act;";

(b) for paragraph (c), substitute—

"(c) in the case of a person who is registered as a childminder with domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(1) of the Act;

(ca) in the case of a person who is registered as a childminder without domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(2A) of the Act;".

(4) In regulation 15(5)(**b**) (voluntary removal of childminder agency from register: providers (early years, etc.)—

(a) for sub-paragraph (a) substitute—

"(a) in the case of a person who is registered as an early years childminder with domestic premises under Chapter 2 of Part 3 of the Act, the person is deemed registered in the early years register under section 37(1) of the Act;

(aa) in the case of a person who is registered as a childminder without domestic premises under Chapter 2 of Part 3 of the Act, the person is deemed registered in the early years register under section 37(2A) of the Act;";

(b) for sub-paragraph (c) substitute—

(**a**) S.I. 2014/1922, as amended by 2023/1167.
(**b**) Regulation 15 was inserted by S.I. 2023/1167.

"(c) in the case of a person who is registered as a childminder with domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(1) of the Act;

(cc) in the case of a person who is registered as childminder without domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(2A) of the Act;".

(5) In regulation 16(5)(**a**) (voluntary removal of childminder agency from register: providers (later years, etc.))—

(a) for sub-paragraph (a) substitute—

"(a) in the case of a person who is registered as a later years childminder with domestic premises under Chapter 3 of Part 3 of the Act, the person is deemed registered in Part A of the general childcare register under section 56(1) of the Act;

(aa) in the case of a person who is registered as a later years childminder without domestic premises under Chapter 3 of Part 3 of the Act, the person is deemed registered in Part A of the general childcare register section 56(2A) of the Act;";

(b) for sub-paragraph (c) substitute—

"(c) in the case of a person who is registered as a childminder with domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(1) of the Act;

(cc) in the case of a person who is registered as childminder without domestic premises under Chapter 4 of Part 3 of the Act, the person is deemed registered in Part B of the general childcare register under section 64(2A) of the Act;".

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

10.—(1) The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014(**b**) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation), for the definition of "early years childminder" substitute—

""early years childminder" means a person registered as—

(a) an early years childminder with domestic premises under section 37(1) or 37A(1) of the 2006 Act;

(b) an early years childminder without domestic premises under section 37(2A) or 37A(1A) of the 2006 Act;

(c) an early years provider other than a childminder under section 37(2) or 37A(2) of the 2006 Act in respect of early years provision which would be early years childminding, at least some or all of which is on domestic premises, but for section 96(5) of the Act".

Amendment of the Childcare (Free of Charge for Working Parents) (England) Regulations 2022

11.—(1) The Childcare (Free of Charge for Working Parents) (England) Regulations 2022(**c**) are amended as follows.

(2) In regulation 4 (interpretation) for the definition of childminder in paragraph (1) substitute—

""childminder" means a person registered as—

(**a**) Regulation 16 was inserted by S.I. 2023/1167.
(**b**) S.I. 2014/2147; relevant amending instrument include S.I. 2023/276.
(**c**) S.I. 2022/1134; the definition of "childminder" was amended by S.I. 2023/276.

(a) an early years childminder with domestic premises under section 37(1) or 37A(1) of the 2006 Act;

(b) an early years childminder without domestic premises under section 37(2A) or 37A(1A) of the 2006 Act;

(c) an early years provider other than a childminder under section 37(2) or 37A(2) of the 2006 Act in respect of early years provision which would be early years childminding, at least some or all of which is on domestic premises, but for section 96(5) of the Act".

Signed on behalf of the Secretary of State

Stephen Morgan
Parliamentary Under Secretary of State
Department for Education

9th October 2024

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are for the most part made in consequence of provision relating to the making available of childcare on domestic and non-domestic premises contained within the Levelling-up and Regeneration Act 2023 (c. 55) ("the LURA").

On 1st November sections 237 (childcare: use of non-domestic premises) and 238 (childcare: number of providers), together with Schedule 23 (use of non-domestic premises for childcare: registration) to the LURA come into force. Those provisions collectively make amendments to Part 3 (regulation of provision of childcare in England) of the Childcare Act 2006 (c. 21) ("the 2006 Act").

The effect of the amendments made by section 237 of the LURA is to amend the definition of "early years childminding" and "later years childminding" in sections 96(4) and (8) of the 2006 Act respectively, by removing the requirement that at least half of the provision must be provided on domestic premises.

Section 237 of the LURA also introduces Schedule 23 (use of non-domestic premises for childcare registration) which makes further amendments to Part 3 of the 2006 Act relating to the registration of persons providing childminding wholly on non-domestic premises.

Section 238 of the LURA amends sections 96(5) and (9) of the 2006 Act, the effect of those changes being to increase the number of other childminders or assistants that childminders can work with from two to three (four people in total). It also increases, from four to five, the minimum number of people that must work together to provide "childcare on domestic premises" (provision that would be childminding, at least some or all of which is on domestic premises, but for the operation of sections 96(5) and (9) of the 2006 Act).

In consequence of these provision, the following statutory instruments are amended to take account of these changes—

– the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.I. 2007/1772);

– the Childcare (Early Years Register) Regulations 2008 (S.I. 2008/974);

– the Childcare (General Childcare Register) Regulations 2008 (S.I. 2008/975);

– the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 (S.I. 2008/976);

– the Childcare (Exemptions from Registration) Order 2008 (S.I. 2008/979);

– the Childcare (Fees) Regulations 2008 (S.I. 2008/1804);

– the Early Years Foundation Stage (Welfare Requirements) Regulations 2012 (S.I. 2012/938);

– the Childcare (Childminder Agencies) (Cancellation etc.) Regulations 2014 (S.I. 2014/1922);

– the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2014 (S.I. 2014/2147);

– the Childcare (Free of Charge for Working Parents) (England) Regulations 2022 (S.I. 2022/1134).

The Regulations also make amendments to the Early Years Foundation Stage (Learning and Development Requirements) Order 2007 (S.1. 2007/1772) under powers contained within the 2006 Act which are not consequential on the implementation of the LURA. Similarly, the definition of "registered person" in regulation 2 of the Childcare (General Childcare Register) Regulations 2008 (S.I. 2008/976) is amended by this instrument that amendment not being consequential on the coming into force of provision in the LURA.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An impact assessment has been published in relation the Act and copies can be obtained from the UK Parliament website at https://bills.parliament.uk/bills/3155/publications or from the Ministry of Housing, Communities and Local Government at 2 Marsham Street, London, SW1P 4DF.

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