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STATUTORY INSTRUMENTS

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**2014 No. 1705**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

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

*Made* - - - - 27th June 2014  
*Laid before Parliament* 3rd July 2014  
*Coming into force* - - 1st September 2014

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 7 and 104(2) of the Childcare Act 2006(1).

**Citation and commencement**

1. These Regulations may be cited as the Local Authority (Duty to Secure Early Years Provision Free of Charge) (Amendment) Regulations 2014 and come into force on 1st September 2014.

**Amendments to the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2013**

2. (1) The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2013(2) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of “eligible child”—

(a) after sub-paragraph (c) insert—

“(cc) “(cc) for whom an EHC plan is prepared under section 37 of the Children and Families Act 2014 (education, health and care plans)(3);”;

(b) for sub-paragraph (f)(iii) substitute—

“(iii) a child arrangements order within the meaning given by section 8(1) of the Children Act 1989(4) which consists of, or includes, arrangements relating to either or both of the following—

(aa) with whom the child is to live,

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(1) 2006 c. 21; section 7 was substituted by section 1(2) of the Education Act 2011 (c. 21). See section 106 for the definitions of “prescribed” and “regulations”.

(2) 2013/3193.

(3) 2014 c. 6.

(4) 1989 c. 41; section 8(1) was amended by section 12 of the Children and Families Act 2014 (c. 6).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(bb) when the child is to live with any person;”.

27th June 2014

*Elizabeth Truss*  
Parliamentary Under Secretary of State  
Department for Education

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 7 of the Childcare Act 2006 places a duty on English local authorities to secure early years provision free of charge in accordance with regulations. The relevant regulations are the Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2013 (the “2013 Regulations”).

These Regulations amend the 2013 Regulations as a consequence of the Children and Families Act 2014. The definition of “eligible child” in regulation 1(2) of the 2013 Regulations is amended to give effect to the introduction of education, health and care plans and the replacement of residence orders by child arrangements orders.

An Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.