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STATUTORY INSTRUMENTS

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**2015 No. 963**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Childcare (Early Years Register)  
(Consequential Provisions) Regulations 2015**

*Made* - - - - - *26th March 2015*  
*Laid before Parliament* *27th March 2015*  
*Coming into force in accordance with regulation 1(1)*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 159(1) and (2) of the Small Business, Enterprise and Employment Act 2015<sup>(1)</sup>.

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Childcare (Early Years Register) (Consequential Provisions) Regulations 2015 and come into force on the commencement date.

(2) In these Regulations, “commencement date” means the day on which section 75(1) of the Small Business, Enterprise and Employment Act 2015 (exemption from requirement to register as early years provider) comes into force.

**Amendment of the Childcare (Exemptions from Registration) Order 2008**

2. In the Childcare (Exemptions from Registration) Order 2008<sup>(2)</sup>—

- (a) in article 2(2) (exemptions)<sup>(3)</sup>, for “9” substitute “8”;
- (b) omit article 9 (exempt provision in relation to children turning three at school).

**Cessation of registration**

3.—(1) This regulation applies to any person who, on the commencement date—

- (a) is registered in the early years register; and
- (b) by virtue of the coming into force of section 75(1) of the Small Business, Enterprise and Employment Act 2015, is no longer required to be so registered.

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<sup>(1)</sup> 2015 c. 26. See section 159(9) for the definition of “Minister of the Crown”.

<sup>(2)</sup> S.I. 2008/979 amended by S.I. 2014/913; there are other amending instruments but none are relevant.

<sup>(3)</sup> Article 2(2) was amended by S.I. 2014/913.

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**Status:** This is the original version (as it was originally made).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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(2) The registration in the early years register of a person to whom this regulation applies ceases to have effect.

(3) In this regulation, “early years register” has the meaning given by section 32(2) of the Childcare Act 2006<sup>(4)</sup>.

26th March 2015

*Sam Gyimah*  
Parliamentary Under Secretary of State  
Department for Education

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(4) 2006 c. 21. Section 32(2) was amended by paragraph 2 of Schedule 4 to the Children and Families Act 2014 (c. 6).

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## EXPLANATORY NOTE

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

These Regulations make provision in consequence of the commencement of section 75(1) of the Small Business, Enterprise and Employment Act 2015.

Section 34(2) of the Childcare Act 2006 provides that early years provision made for children aged three and over at maintained schools, non-maintained special schools or independent schools is exempt from the requirement to register with Her Majesty's Chief Inspector of Education, Children's Services and Skills ("the Chief Inspector"), where that provision is made by the school and one or more pupils attend it. Section 75(1) of the Small Business, Enterprise and Employment Act 2015 amends section 34(2) to extend that exemption to provision made by those schools for children aged two.

Article 9 of the Childcare (Exemptions from Registration) Order 2008 currently provides an exemption from registration for maintained schools, non-maintained special schools and independent schools, where the provision is for a registered pupil who has not attained the age of three but who will do so before the expiry of the child's first term at the school. Regulation 2 of these Regulations revokes article 9, since it is no longer relevant in the light of the amendments to section 34(2) of the Childcare Act 2006.

Regulation 3 of these Regulations applies to those persons who have already been registered by the Chief Inspector in respect of early years provision for two year olds but whose registration is no longer required, by virtue of the amendments made to section 34(2) of the Childcare Act 2006 by section 75(1) of the Small Business, Enterprise and Employment Act 2015. Regulation 3 provides that the registration of those persons will cease to have effect on the day that section 75(1) is commenced.

No impact assessment has been produced for these Regulations because no significant impact on business, civil society organisations or the public sector is foreseen.