

SCHEDULES

SCHEDULE 4

Section 84

CHILDMINDER AGENCIES: AMENDMENTS

PART 1

THE CHILDCARE REGISTERS

- 1 The Childcare Act 2006 is amended as follows.
- 2 (1) Section 32 (childcare registration in England: maintenance of the two childcare registers) is amended as follows.
 - (2) In subsection (2)—
 - (a) after “register of” insert “—
(a)”,
 - (b) omit “who are”, and
 - (c) for “under Chapter 2” substitute “by the Chief Inspector for the purposes of Chapter 2”.
 - (3) At the end of that subsection insert “, and
 - (b) all persons registered as early years childminder agencies under Chapter 2A (which provides for the compulsory registration of persons with whom early years childminders and certain other early years providers may register for the purposes of Chapter 2).”
 - (4) In subsection (4)—
 - (a) after “register of” insert “—
(a)”,
 - (b) omit “who are”, and
 - (c) for “under Chapter 3” substitute “by the Chief Inspector for the purposes of Chapter 3”.
 - (5) At the end of that subsection insert “, and
 - (b) all persons registered as later years childminder agencies under Chapter 3A (which provides for the compulsory registration of persons with whom later years childminders and certain other later years providers may register for the purposes of Chapter 3).”
 - (6) In subsection (5), for “under Chapter 4” substitute “by the Chief Inspector for the purposes of Chapter 4”.

Status: This is the original version (as it was originally enacted).

PART 2

EARLY YEARS CHILDMINDER AGENCIES

- 3 The Childcare Act 2006 is amended as follows.
- 4 In section 33 (requirement to register: early years childminders), in subsection (1) for “in the early years register as an early years childminder” substitute “as an early years childminder—
- (a) in the early years register, or
 - (b) with an early years childminder agency.”
- 5 (1) Section 34 (requirement to register: other early years providers) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person may not provide early years provision on premises in England which are not domestic premises unless the person is registered in the early years register in respect of the premises.
- (1A) A person may not provide early years provision on domestic premises in England which would be early years childminding but for section 96(5) unless the person is registered—
- (a) in the early years register in respect of the premises, or
 - (b) with an early years childminder agency in respect of the premises.”
- (3) In subsection (2) for “Subsection (1) does” substitute “Subsections (1) and (1A) do”.
- (4) In subsection (3) for “subsection (1) does” substitute “subsections (1) and (1A) do”.
- (5) In subsection (5) after “subsection (1)” insert “or (1A)”.
- 6 (1) Section 35 (applications for registration: early years childminders) is amended as follows.
- (2) In subsection (1) for “to the Chief Inspector for registration as an early years childminder” substitute “—
- (a) to the Chief Inspector for registration as an early years childminder in the early years register, or
 - (b) to an early years childminder agency for registration with that agency as an early years childminder.”
- (3) In subsection (2)—
- (a) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the early years childminder agency”, and
 - (b) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector”.
- (4) In subsections (3) and (4), after “subsection (1)” insert “(a)”.
- (5) After subsection (4) insert—
- “(4A) An early years childminder agency may grant an application under subsection (1)(b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,

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- (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
 - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”
 - (6) In subsection (5), after paragraph (a) insert—
 - “(aa) prohibiting the applicant from being registered in the early years register as an early years childminder if the applicant is registered with a childminder agency;
 - (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.
- 7 (1) Section 36 (applications for registration: other early years providers) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) A person who proposes to provide on any premises early years provision in respect of which the person is required by section 34(1A) to be registered may make an application—
- (a) to the Chief Inspector for registration as an early years provider in respect of the premises, or
 - (b) to an early years childminder agency for registration with that agency as an early years provider in respect of the premises.”
- (3) In subsection (2)—
- (a) after “subsection (1)” insert “or (1A)”,
 - (b) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the early years childminder agency”, and
 - (c) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector,”.
- (4) In subsections (3) and (4), after “subsection (1)” insert “or (1A)(a)”.
- (5) After subsection (4) insert—
- “(4A) An early years childminder agency may grant an application under subsection (1A)(b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,
 - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
 - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”
- (6) In subsection (5), after paragraph (a) insert—

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- “(aa) prohibiting the applicant from being registered in the early years register as an early years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with an early years childminder agency as an early years provider other than a childminder if the applicant is registered—
 - (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

8 (1) Section 37 (entry on the register and certificates) is amended as follows.

(2) In subsection (1) after “section 35(1)” insert “(a)”.

(3) In subsection (2) after “section 36(1)” insert “or (1A)(a)”.

9 After section 37 insert—

“37A Early years childminder agencies: registers and certificates

(1) If an application under section 35(1)(b) is granted, the early years childminder agency must—

- (a) register the applicant in the register maintained by the agency as an early years childminder, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.

(2) If an application under section 36(1A)(b) is granted, the early years childminder agency must—

- (a) register the applicant in the register maintained by the agency as an early years provider other than a childminder, in respect of the premises in question, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.

(3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.

(4) If there is a change of circumstances which requires the amendment of a certificate of registration, the early years childminder agency must give the registered early years provider an amended certificate.”

10 In section 38 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in the early years register”.

11 (1) Section 44 (instruments specifying learning and development or welfare requirements) is amended as follows.

(2) In subsection (2)—

- (a) after “Chief Inspector” insert “or early years childminder agencies”, and
- (b) omit “his”.

(3) In subsection (3) after “Chief Inspector” insert “or early years childminder agencies”.

(4) In subsection (4) after paragraph (a) (and before the “or” which follows it) insert—

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- “(aa) by early years childminder agencies in the exercise of functions under this Part.”.
- 12 In section 49 (inspections), in subsection (1) for “under this Chapter” substitute “in the early years register”.
- 13 After Chapter 2 (regulation of early years provision) insert—

“CHAPTER 2A

REGULATION OF EARLY YEARS CHILDMINDER AGENCIES

Process of registration

51A Applications for registration

- (1) A person may make an application to the Chief Inspector for registration as an early years childminder agency.
- (2) An application under subsection (1) must—
 - (a) give any prescribed information about prescribed matters,
 - (b) give any other information which the Chief Inspector reasonably requires the applicant to give, and
 - (c) be accompanied by any prescribed fee.
- (3) The Chief Inspector must grant an application under subsection (1) if—
 - (a) the applicant is not disqualified from registration by regulations under section 76A, and
 - (b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection (“the prescribed requirements for registration”) are satisfied and are likely to continue to be satisfied.
- (4) The Chief Inspector must refuse any application under subsection (1) which subsection (3) does not require the Chief Inspector to grant.
- (5) The prescribed requirements for registration may include requirements relating to—
 - (a) the applicant;
 - (b) any persons employed by the applicant;
 - (c) management and control of the applicant (where the applicant is not an individual);
 - (d) the provision to the Chief Inspector of information about early years providers registered with the applicant;
 - (e) the applicant’s arrangements for registering early years providers;
 - (f) the applicant’s arrangements in relation to training and monitoring early years providers and providing such persons with information, advice and assistance;
 - (g) the applicant’s arrangements for ensuring that early years provision is of a sufficient standard.

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51B Entry on the register and certificates

- (1) If an application under section 51A is granted, the Chief Inspector must—
 - (a) register the applicant in the early years register as an early years childminder agency, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.
- (2) A certificate of registration given to the applicant in pursuance of subsection (1) must contain prescribed information about prescribed matters.
- (3) If there is a change of circumstances which requires the amendment of a certificate of registration, the Chief Inspector must give the early years childminder agency an amended certificate.
- (4) If the Chief Inspector is satisfied that a certificate of registration has been lost or destroyed, the Chief Inspector must give the early years childminder agency a copy, on payment by the agency of any prescribed fee.

51C Conditions on registration

- (1) The Chief Inspector may impose such conditions as the Chief Inspector thinks fit on the registration of an early years childminder agency under this Chapter.
- (2) The power conferred by subsection (1) may be exercised at the time when the Chief Inspector registers the person in pursuance of section 51B or at any subsequent time.
- (3) The Chief Inspector may at any time vary or remove any condition imposed under subsection (1).
- (4) An early years childminder agency commits an offence if, without reasonable excuse, the agency fails to comply with any condition imposed under subsection (1).
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Inspections

51D Inspections of early years childminder agencies

- (1) The Chief Inspector—
 - (a) must inspect an early years childminder agency at any time when the Secretary of State requires the Chief Inspector to secure its inspection, and
 - (b) may inspect an early years childminder agency at any other time when the Chief Inspector considers that it would be appropriate for it to be inspected.
- (2) For the purposes of an inspection under this section, the Chief Inspector may inspect early years provision provided by early years providers who

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are registered with the early years childminder agency for the purposes of Chapter 2.

- (3) The Chief Inspector may charge a prescribed fee for conducting an inspection of an early years childminder agency where—
 - (a) the inspection is conducted at the request of the agency, and
 - (b) the Chief Inspector is required by the Secretary of State under subsection (1)(a) to conduct that inspection.
- (4) Regulations may make provision requiring an early years childminder agency to notify prescribed persons of the fact that it is to be inspected under this section.

51E Reports of inspections

- (1) After conducting an inspection under section 51D, the Chief Inspector must make a report in writing on—
 - (a) the quality and standards of the services offered by the early years childminder agency to early years providers registered with it,
 - (b) the quality of leadership and management in the early years childminder agency, and
 - (c) the effectiveness of the arrangements of the early years childminder agency for assuring itself of the quality of the care and education provided by the early years providers registered with it.
- (2) The Chief Inspector—
 - (a) may send a copy of the report to the Secretary of State and must do so without delay if the Secretary of State requests a copy,
 - (b) must ensure that a copy of the report is sent without delay to the early years childminder agency,
 - (c) must ensure that copies of the report, or such parts of it as the Chief Inspector considers appropriate, are sent to such other persons as may be prescribed, and
 - (d) may arrange for the report (or parts of it) to be further published in any manner the Chief Inspector considers appropriate.
- (3) Regulations may make provision—
 - (a) requiring the early years childminder agency to make a copy of any report sent to it under subsection (2)(b) available for inspection by prescribed persons;
 - (b) requiring the agency, except in prescribed cases, to provide a copy of the report to prescribed persons;
 - (c) authorising the agency in prescribed cases to charge a fee for providing a copy of the report.

False representations

51F False representations

- (1) A person who without reasonable excuse falsely represents that the person is an early years childminder agency commits an offence.

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- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

PART 3

LATER YEARS CHILDMINDER AGENCIES

- 14 The Childcare Act 2006 is amended as follows.
- 15 In section 52 (requirement to register: later years childminders for children under 8), in subsection (1) for “in Part A of the general childcare register as a childminder” substitute “as a later years childminder—
- (a) in Part A of the general childcare register, or
 - (b) with a later years childminder agency.”
- 16 (1) Section 53 (requirement to register: other later years providers for children under 8) is amended as follows.
- (2) For subsection (1) substitute—
- “(1) A person may not provide, for a child who has not attained the age of eight, later years provision on premises in England which are not domestic premises unless the person is registered in Part A of the general childcare register in respect of the premises.
- (1A) A person may not provide, for a child who has not attained the age of eight, later years provision on domestic premises in England which would be later years childminding but for section 96(9) unless the person is registered—
- (a) in Part A of the general childcare register in respect of the premises, or
 - (b) with a later years childminder agency in respect of the premises.”
- (3) In subsection (2) for “Subsection (1) does” substitute “Subsections (1) and (1A) do”.
- (4) In subsection (3) for “subsection (1) does” substitute “subsections (1) and (1A) do”.
- (5) In subsection (5) after “subsection (1)” insert “or (1A)”.
- 17 (1) Section 54 (applications for registration: later years childminders) is amended as follows.
- (2) In subsection (1) for “to the Chief Inspector for registration as a later years childminder” substitute “—
- (a) to the Chief Inspector for registration as a later years childminder in Part A of the general childcare register, or
 - (b) to a later years childminder agency for registration with that agency as a later years childminder.”
- (3) In subsection (2)—
- (a) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the later years childminder agency”, and
 - (b) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector”.
- (4) In subsections (3) and (4), after “subsection (1)” insert “(a)”.

- (5) After subsection (4) insert—
- “(4A) A later years childminder agency may grant an application under subsection (1)(b) only if—
- (a) the applicant is not disqualified from registration by regulations under section 75,
 - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and
 - (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”
- (6) In subsection (5), after paragraph (a) insert—
- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years childminder if the applicant is registered—
- (i) with another childminder agency;
 - (ii) in the early years register or the general childcare register;”.

18 (1) Section 55 (applications for registration: other later years providers) is amended as follows.

(2) After subsection (1) insert—

“(1A) A person who proposes to provide on any premises later years provision in respect of which the person is required by section 53(1A) to be registered may make an application—

 - (a) to the Chief Inspector for registration as a later years provider in respect of the premises, or
 - (b) to a later years childminder agency for registration with that agency as a later years provider in respect of the premises.”

(3) In subsection (2)—

 - (a) after “subsection (1)” insert “or (1A)”,
 - (b) in paragraph (b) after “Chief Inspector” insert “or (as the case may be) the later years childminder agency”, and
 - (c) in paragraph (c) at the beginning insert “if it is an application to the Chief Inspector,”.

(4) In subsections (3) and (4), after “subsection (1)” insert “or (1A)(a)”.

(5) After subsection (4) insert—

“(4A) A later years childminder agency may grant an application under subsection (1A)(b) only if—

 - (a) the applicant is not disqualified from registration by regulations under section 75,
 - (b) it appears to the agency that the prescribed requirements for registration are satisfied and are likely to continue to be satisfied, and

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- (c) it appears to the agency that any other reasonable requirements it has imposed are satisfied and are likely to continue to be satisfied.”
- (6) In subsection (5), after paragraph (a) insert—
- “(aa) prohibiting the applicant from being registered in Part A of the general childcare register as a later years provider other than a childminder if the applicant is registered with a childminder agency;
- (ab) prohibiting the applicant from being registered with a later years childminder agency as a later years provider other than a childminder if the applicant is registered—
- (i) with another childminder agency;
- (ii) in the early years register or the general childcare register;”.
- 19 (1) Section 56 (entry on the register and certificates) is amended as follows.
- (2) In subsection (1) after “section 54(1)” insert “(a)”.
- (3) In subsection (2) after “section 55(1)” insert “or (1A)(a)”.
- 20 After section 56 insert—

“56A Later years childminder agencies: registers and certificates

- (1) If an application under section 54(1)(b) is granted, the later years childminder agency must—
- (a) register the applicant in the register maintained by the agency as a later years childminder, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.
- (2) If an application under section 55(1A)(b) is granted, the later years childminder agency must—
- (a) register the applicant in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises in question, and
- (b) give the applicant a certificate of registration stating that he or she is so registered.
- (3) A certificate of registration given to the applicant in pursuance of subsection (1) or (2) must contain prescribed information about prescribed matters.
- (4) If there is a change of circumstances which requires the amendment of a certificate of registration, the later years childminder agency must give the registered later years provider an amended certificate.”
- 21 In section 57 (special procedure for registered early years providers), in the title for “registered early years providers” substitute “providers registered in the early years register”.
- 22 After section 57 insert—

“57A Special procedure for providers registered with early years childminder agencies

- (1) Subsection (2) applies where—
 - (a) a person is registered with an early years childminder agency as an early years childminder, and
 - (b) that agency is also a later years childminder agency.
- (2) If the person gives notice to the agency that he or she proposes to provide later years childminding in respect of which he or she is required to be registered under this Chapter, the agency must—
 - (a) register the person in the register maintained by the agency as a later years childminder, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (3) Subsection (4) applies where—
 - (a) a person is registered with an early years childminder agency in respect of particular premises as an early years provider other than a childminder, and
 - (b) that agency is also a later years childminder agency.
- (4) If the person gives notice to the agency that he or she proposes to provide later years provision in respect of which he or she is required to be registered under this Chapter on the same premises, the agency must—
 - (a) register the person in the register maintained by the agency as a later years provider other than a childminder, in respect of the premises, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (5) Subsections (3) and (4) of section 56A apply in relation to a certificate of registration given in pursuance of subsection (2) or (4) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) or (2) of that section.”

23 In section 58 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in Part A of the general childcare register”.

24 (1) Section 59 (regulations governing activities) is amended as follows.

- (2) In subsection (4)—
 - (a) after “Chief Inspector” insert “or later years childminder agencies”, and
 - (b) omit “his”.
- (3) In subsection (5)—
 - (a) after “Chief Inspector” insert “or later years childminder agencies”, and
 - (b) omit “his”.
- (4) In subsection (6) after paragraph (a) (and before the “or” which follows it) insert—
 - “(aa) by later years childminder agencies in the exercise of functions under this Part,”.

Status: This is the original version (as it was originally enacted).

25 In section 60 (inspections), in subsection (1) for “under this Chapter” substitute “in Part A of the general childcare register”.

26 After Chapter 3 (regulation of later years provision for children under 8) insert—

“CHAPTER 3A

REGULATION OF LATER YEARS CHILDMINDER AGENCIES

Process of registration

61A Applications for registration

- (1) A person may make an application to the Chief Inspector for registration as a later years childminder agency.
- (2) An application under subsection (1) must—
 - (a) give any prescribed information about prescribed matters,
 - (b) give any other information which the Chief Inspector reasonably requires the applicant to give, and
 - (c) be accompanied by any prescribed fee.
- (3) The Chief Inspector must grant an application under subsection (1) if—
 - (a) the applicant is not disqualified from registration by regulations under section 76A, and
 - (b) it appears to the Chief Inspector that any requirements prescribed for the purposes of this subsection (“the prescribed requirements for registration”) are satisfied and are likely to continue to be satisfied.
- (4) The Chief Inspector must refuse any application under subsection (1) which subsection (3) does not require the Chief Inspector to grant.
- (5) The prescribed requirements for registration may include requirements relating to—
 - (a) the applicant;
 - (b) any persons employed by the applicant;
 - (c) management and control of the applicant (where the applicant is not an individual);
 - (d) the provision to the Chief Inspector of information about later years providers registered with the applicant;
 - (e) the applicant’s arrangements for registering later years providers;
 - (f) the applicant’s arrangements in relation to training and monitoring later years providers, and providing such persons with information, advice and assistance;
 - (g) the applicant’s arrangements for ensuring that later years provision is of a sufficient standard.

61B Entry on the register and certificates

- (1) If an application under section 61A is granted, the Chief Inspector must—

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- (a) register the applicant in Part A of the general childcare register as a later years childminder agency, and
 - (b) give the applicant a certificate of registration stating that the applicant is so registered.
- (2) A certificate of registration given to the applicant in pursuance of subsection (1) must contain prescribed information about prescribed matters.
- (3) If there is a change of circumstances which requires the amendment of a certificate of registration, the Chief Inspector must give the later years childminder agency an amended certificate.
- (4) If the Chief Inspector is satisfied that a certificate of registration has been lost or destroyed, the Chief Inspector must give the later years childminder agency a copy, on payment by the agency of any prescribed fee.

61C Special procedure for registered early years childminder agencies

- (1) If an early years childminder agency gives notice to the Chief Inspector of a wish to be a later years childminder agency the Chief Inspector must—
 - (a) register the early years childminder agency in Part A of the general childcare register as a later years childminder agency, and
 - (b) give the agency a certificate of registration stating that it is so registered.
- (2) Subsections (2) to (4) of section 61B apply in relation to a certificate of registration given in pursuance of subsection (1) of this section as they apply in relation to a certificate of registration given in pursuance of subsection (1) of that section.

61D Conditions on registration

- (1) The Chief Inspector may impose such conditions as the Chief Inspector thinks fit on the registration of a later years childminder agency under this Chapter.
- (2) The power conferred by subsection (1) may be exercised at the time when the Chief Inspector registers the person in pursuance of section 61B or 61C or at any subsequent time.
- (3) The Chief Inspector may at any time vary or remove any condition imposed under subsection (1).
- (4) A later years childminder agency commits an offence if, without reasonable excuse, the agency fails to comply with any condition imposed under subsection (1).
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Status: This is the original version (as it was originally enacted).

Inspections

61E Inspections of later years childminder agencies

- (1) The Chief Inspector—
 - (a) must inspect a later years childminder agency at any time when the Secretary of State requires the Chief Inspector to secure its inspection, and
 - (b) may inspect a later years childminder agency at any other time when the Chief Inspector considers that it would be appropriate for it to be inspected.
- (2) For the purposes of an inspection under this section, the Chief Inspector may inspect later years provision provided by later years providers who are registered with the later years childminder agency for the purposes of Chapter 3.
- (3) The Chief Inspector may charge a prescribed fee for conducting an inspection of a later years childminder agency where—
 - (a) the inspection is conducted at the request of the agency, and
 - (b) the Chief Inspector is required by the Secretary of State under subsection (1)(a) to conduct that inspection.
- (4) Regulations may make provision requiring a later years childminder agency to notify prescribed persons of the fact that it is to be inspected under this section.

61F Reports of inspections

- (1) After conducting an inspection under section 61E, the Chief Inspector must make a report in writing on—
 - (a) the quality and standards of the services offered by the later years childminder agency to later years providers registered with it,
 - (b) the quality of leadership and management in the later years childminder agency, and
 - (c) the effectiveness of the arrangements of the later years childminder agency for assuring itself of the quality of the care and education provided by the later years providers registered with it.
- (2) The Chief Inspector—
 - (a) may send a copy of the report to the Secretary of State and must do so without delay if the Secretary of State requests a copy,
 - (b) must ensure that a copy of the report is sent without delay to the later years childminder agency,
 - (c) must ensure that copies of the report, or such parts of it as the Chief Inspector considers appropriate, are sent to such other persons as may be prescribed, and
 - (d) may arrange for the report (or parts of it) to be further published in any manner the Chief Inspector considers appropriate.
- (3) Regulations may make provision—

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- (a) requiring the later years childminder agency to make a copy of any report sent to it under subsection (2)(b) available for inspection by prescribed persons;
- (b) requiring the agency, except in prescribed cases, to provide a copy of the report to prescribed persons;
- (c) authorising the agency in prescribed cases to charge a fee for providing a copy of the report.

False representations

61G False representations

- (1) A person who without reasonable excuse falsely represents that the person is a later years childminder agency commits an offence.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

PART 4

VOLUNTARY REGISTRATION WITH CHILDMINDER AGENCY

- 27 The Childcare Act 2006 is amended as follows.
- 28 In section 65 (special procedure for persons already registered), in the title, at the end insert “in a childcare register”.
- 29 After section 65 insert—

“Voluntary registration of persons registered with childminder agencies

65A Procedure for persons already registered with a childminder agency

- (1) A person who is registered as an early years childminder with an early years childminder agency or as a later years childminder with a later years childminder agency may give notice to the agency that he or she wishes to be registered with the agency in respect of the provision in England of—
 - (a) later years childminding for a child who has attained the age of eight;
 - (b) early years childminding or later years childminding for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.
- (2) If a person gives notice to an agency under subsection (1), the agency must—
 - (a) register the person in the register maintained by the agency as a childminder registered under this Chapter, and
 - (b) give the person a certificate of registration stating that he or she is so registered.
- (3) A person who is registered as an early years provider (other than a childminder) with an early years childminder agency or as a later years provider (other than a childminder) with a later years childminder agency in respect of particular premises may give notice to the agency that he or she

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wishes to be registered with the agency in respect of the provision on the same premises of—

- (a) later years provision (other than later years childminding) for a child who has attained the age of eight;
- (b) early years provision or later years provision (other than early years or later years childminding) for a child who has not attained that age but in respect of which the person is not required to be registered under Chapter 2 or 3.

(4) If a person gives notice to an agency under subsection (3), the agency must—

- (a) register the person in the register maintained by the agency as a provider of childcare (other than a childminder) registered under this Chapter, in respect of the premises, and
- (b) give the person a certificate of registration stating that he or she is so registered.

(5) A certificate of registration given to the applicant in pursuance of subsection (2) or (4) must contain prescribed information about prescribed matters.

(6) If there is a change of circumstances which requires the amendment of a certificate of registration, the agency must give the registered person an amended certificate.”

30 In section 66 (conditions on registration), in subsections (1) and (5) for “under this Chapter” substitute “in Part B of the general childcare register”.

31 (1) Section 67 (regulations governing activities) is amended as follows.

(2) In subsection (4)—

- (a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and
- (b) omit “his”.

(3) In subsection (5)—

- (a) after “Chief Inspector” insert “, early years childminder agencies or later years childminder agencies”, and
- (b) omit “his”.

(4) In subsection (6) after paragraph (a) (and before the “or” which follows it) insert—
 “(aa) by early years childminder agencies or later years childminder agencies in the exercise of functions under this Part,”.

PART 5

PROVISIONS APPLYING IN RELATION TO ALL CHILDMINDER AGENCIES

32 The Childcare Act 2006 is amended as follows.

33 (1) Section 68 (cancellation of registration) is amended as follows.

(2) In subsection (1) after “or 4” insert “in the early years register or the general childcare register”.

(3) In subsection (2)—

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- (a) after “or 4” insert “in the early years register or the general childcare register”, and
 - (b) in paragraph (d) after “Chapter 2” insert “in the early years register”.
- (4) In subsection (3) for “as an early years childminder under Chapter 2” substitute “under Chapter 2 in the early years register as an early years childminder”.
- (5) In subsection (4) for “as a later years childminder under Chapter 3” substitute “under Chapter 3 in Part A of the general childcare register as a later years childminder”.
- (6) In subsection (5) for “as a childminder under Chapter 4” substitute “under Chapter 4 in Part B of the general childcare register as a childminder”.
- (7) In subsection (6) after “or 4” insert “in the early years register or the general childcare register”.
- (8) In the title, at the end insert “in a childcare register: early years and later years providers”.
- 34 (1) Section 69 (suspension of registration) is amended as follows.
- (2) In subsection (1) after “or 4” insert “in the early years register or the general childcare register”.
- (3) In subsection (3) for “as an early years childminder under Chapter 2” substitute “under Chapter 2 in the early years register as an early years childminder”.
- (4) In subsection (4) for “as a later years childminder under Chapter 3” substitute “under Chapter 3 in Part A of the general childcare register as a later years childminder”.
- (5) In subsection (6) for “as an early years provider (other than an early years childminder) under Chapter 2” substitute “under Chapter 2 in the early years register as an early years provider (other than an early years childminder)”.
- (6) In subsection (7) for “as a later years provider (other than a later years childminder) under Chapter 3” substitute “under Chapter 3 in Part A of the general childcare register as a later years provider (other than a later years childminder)”.
- (7) In the title, at the end insert “in a childcare register: early years and later years providers”.
- 35 After section 69 insert—

“69A Cancellation, termination and suspension of registration with a childminder agency

- (1) Regulations may make provision about the cancellation, termination and suspension of the registration of an early years provider or a later years provider with an early years childminder agency or a later years childminder agency for the purposes of Chapter 2, 3 or 4, in particular—
- (a) about the termination by an early years provider or a later years provider of his or her registration;
 - (b) for the creation of offences relating to things done while a registration is suspended;
 - (c) about the resolution of disputes between an early years provider or a later years provider and an early years childminder agency or a later years childminder agency.

Status: This is the original version (as it was originally enacted).

- (2) Regulations by virtue of subsection (1) which make provision about the suspension of the registration of an early years provider or a later years provider with a childminder agency must include provision conferring on the registered provider a right of appeal to the Tribunal against suspension.
- (3) Regulations made by virtue of subsection (1)(b) may only create offences which are—
 - (a) triable only summarily, and
 - (b) punishable only with a fine not exceeding the level specified in the regulations, which may not exceed level 5 on the standard scale.”

36 After section 69A (as inserted by paragraph 35) insert—

“69B Cancellation of registration: childminder agencies

- (1) The Chief Inspector must cancel the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency if it appears to the Chief Inspector that the person has become disqualified from registration by regulations under section 76A.
- (2) The Chief Inspector may cancel the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency if it appears to the Chief Inspector—
 - (a) that the prescribed requirements for registration which apply in relation to the person’s registration under that Chapter have ceased, or will cease, to be satisfied,
 - (b) that the person has failed to comply with a condition imposed on the registration under that Chapter,
 - (c) that the person has failed to comply with a requirement imposed by regulations under that Chapter,
 - (d) that the person has failed to comply with a requirement imposed by this Chapter, or by regulations under this Chapter, or
 - (e) that the person has failed to pay a prescribed fee.
- (3) Where a requirement to make any changes or additions to any services has been imposed on a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency, the person’s registration may not be cancelled on the ground of any defect or insufficiency in the services, if—
 - (a) the time set for complying with the requirements has not expired, and
 - (b) it is shown that the defect or insufficiency is due to the changes or additions not having been made.
- (4) Regulations may make provision about the effect of the cancellation under this section of the registration under Chapter 2A or 3A of an early years childminder agency or a later years childminder agency on an early years provider or a later years provider registered with the agency for the purposes of Chapter 2, 3 or 4.

Status: This is the original version (as it was originally enacted).

69C Suspension of registration: childminder agencies

- (1) Regulations may provide for the registration of a person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency to be suspended for a prescribed period in prescribed circumstances.
- (2) Regulations under subsection (1) must include provision conferring on the registered person a right of appeal to the Tribunal against suspension.
- (3) Regulations under subsection (1) may make provision about the effect of the suspension of the registration of an early years childminder agency or a later years childminder agency on an early years provider or a later years provider registered with the agency for the purposes of Chapter 2, 3 or 4.
- (4) A person registered under Chapter 2A as an early years childminder agency may not, at any time when the person’s registration under that Chapter is suspended in accordance with regulations under this section—
 - (a) exercise any functions of an early years childminder agency, or
 - (b) represent that the person may exercise such functions.
- (5) A person registered under Chapter 3A as a later years childminder agency may not, at any time when the person’s registration under that Chapter is suspended in accordance with regulations under this section—
 - (a) exercise any functions of a later years childminder agency, or
 - (b) represent that the person may exercise such functions.
- (6) A person commits an offence if, without reasonable excuse, the person contravenes subsection (4) or (5).
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

- 37 (1) Section 70 (voluntary removal from register) is amended as follows.
- (2) In subsection (1) for “any of Chapters 2 to 4” substitute “Chapter 2, 3 or 4”.
 - (3) In the title for “register” substitute “a childcare register: early years and later years providers”.

38 After section 70 insert—

“70A Voluntary removal from a childcare register: childminder agencies

- (1) A person registered under Chapter 2A or 3A as an early years childminder agency or a later years childminder agency may give notice to the Chief Inspector of a wish to be removed from the early years register or (as the case may be) from Part A of the general childcare register.
- (2) If a person gives notice under subsection (1) the Chief Inspector must remove the person from the early years register or (as the case may be) from Part A of the general childcare register.
- (3) The Chief Inspector must not act under subsection (2) if—

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- (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(2)) of the Chief Inspector’s intention to cancel the person’s registration, and
 - (b) the Chief Inspector has not decided that he or she no longer intends to take that step.
- (4) The Chief Inspector must not act under subsection (2) if—
- (a) the Chief Inspector has sent the person a notice (in pursuance of section 73(7)) of the Chief Inspector’s decision to cancel the person’s registration, and
 - (b) the time within which an appeal under section 74 may be brought has not expired or, if such an appeal has been brought, it has not been determined.”
- 39 In section 71 (termination of voluntary registration on expiry of prescribed period), in the title after “registration” insert “in Part B of the general childcare register”.
- 40 In section 72 (protection of children in an emergency), in subsection (1) after “or 4” insert “in the early years register or the general childcare register”.
- 41 (1) Section 73 (procedure for taking certain steps) is amended as follows.
- (2) In subsection (3)(b) for “his” substitute “the person’s”.
 - (3) In subsection (4) for “he” substitute “the applicant or registered person”.
 - (4) In subsection (5)—
 - (a) for “he” substitute “the recipient”, and
 - (b) for “him” substitute “the recipient”.
 - (5) In subsection (6) for “his” substitute “the recipient’s”.
 - (6) In subsection (7) for “he” (in the second place it occurs) substitute “the recipient”.
 - (7) In subsection (9) for “he” substitute “the person”.
 - (8) In subsection (10) for “his” substitute “the”.
- 42 (1) Section 74 (appeals) is amended as follows.
- (2) In subsection (1)—
 - (a) in paragraph (a) for “his” substitute “the”,
 - (b) in paragraph (b) for “his” substitute “the person’s”,
 - (c) in paragraph (c) for “his” substitute “the person’s”, and
 - (d) in paragraph (e) for “his” substitute “the person’s”.
 - (3) In subsection (5)(b) for “his” substitute “the”.
 - (4) In the title, at the end insert “relating to registration in a childcare register”.
- 43 In the italic heading before section 75 (disqualification from registration), at the end insert “: early years and later years providers”.
- 44 In the title of section 75, at the end insert “: early years and later years providers”.
- 45 (1) Section 76 (consequences of disqualification) is amended as follows.
- (2) In subsection (1)—

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- (a) in paragraph (a) after “34(1)” insert “or (1A)”, and
 - (b) in paragraph (c) after “53(1)” insert “or (1A)”.
- (3) After subsection (3) insert—
- “(3A) An early years childminder agency must not register for the purposes of Chapter 2 a person who is disqualified from registration by regulations under section 75.
 - (3B) A later years childminder agency must not register for the purposes of Chapter 3 a person who is disqualified from registration by regulations under section 75.
 - (3C) An early years childminder agency or a later years childminder agency must not register for the purposes of Chapter 4 a person who is disqualified from registration by regulations under section 75.”
- (4) In subsection (4), for “or (3)” substitute “, (3), (3A), (3B) or (3C)”.
- (5) In subsection (6)—
- (a) after “A person” insert “(“A””, and
 - (b) for “he” (in each place it occurs) substitute “A”.
- (6) After subsection (6) insert—
- “(6A) A person (“A”) who contravenes subsection (3A), (3B) or (3C) is not guilty of an offence under subsection (4) if A proves that A did not know, and had no reasonable grounds for believing, that the person registered by A was disqualified from registration.”
- (7) In the title, at the end insert “: early years and later years providers”.
- 46 After section 76 insert—

“Disqualification from registration: childminder agencies

76A Disqualification from registration: childminder agencies

- (1) In this section, “registration” means registration under Chapter 2A or 3A.
- (2) Regulations may provide for a person to be disqualified from registration.
- (3) Regulations under subsection (2) may provide for a person not to be disqualified from registration (and in particular may provide for a person not to be disqualified from registration for the purposes of section 76B) by reason of any fact which would otherwise cause the person to be disqualified if—
 - (a) the person has disclosed the fact to the Chief Inspector, and
 - (b) the Chief Inspector has consented in writing to the person’s not being disqualified from registration and has not withdrawn the consent.

76B Consequences of disqualification: childminder agencies

- (1) A person who is disqualified from registration by regulations under section 76A must not—

Status: This is the original version (as it was originally enacted).

- (a) exercise any functions of an early years childminder agency or a later years childminder agency,
 - (b) represent that the person can exercise such functions,
 - (c) be a director, manager or other officer of, or partner in, an early years childminder agency or a later years childminder agency, be a member of the governing body of such an agency, or otherwise be directly concerned in the management of such an agency, or
 - (d) work for such an agency in any capacity which involves entering premises on which early years provision or later years provision is being provided.
- (2) No early years childminder agency or later years childminder agency may employ a person who is disqualified from registration by regulations under section 76A in any capacity which involves—
- (a) being directly concerned in the management of an early years childminder agency or a later years childminder agency, or
 - (b) entering premises on which early years provision or later years provision is being provided.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) A person (“P”) who contravenes subsection (2) is not guilty of an offence under subsection (3) if P proves that P did not know, and had no reasonable grounds for believing, that the person whom P was employing was disqualified from registration.
- (5) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 5 on the standard scale, or to both.
- (6) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), the reference in subsection (5) to 51 weeks is to be read as a reference to 6 months.”
- 47 (1) Section 77 (powers of entry) is amended as follows.
- (2) In subsection (1)—
- (a) after “34(1)” insert “or (1A)”, and
 - (b) after “53(1)” insert “or (1A)”.
- (3) In subsection (2)(a) for “or 60” substitute “, 51D(2), 60 or 61E(2)”.
- (4) For the title substitute “Chief Inspector’s powers of entry: early years provision and later years provision”.
- 48 For the title of section 78 substitute “Powers of entry under section 77: requirement for consent”.
- 49 After section 78 insert—

“78A Chief Inspector’s powers of entry: childminder agencies

- (1) The Chief Inspector may at any reasonable time enter any premises in England if the Chief Inspector has reasonable cause to believe that a person on the premises is falsely representing—

Status: This is the original version (as it was originally enacted).

- (a) that the person is an early years childminder agency, or
 - (b) that the person is a later years childminder agency.
- (2) The Chief Inspector may at any reasonable time enter any premises in England which is registered in—
 - (a) the early years register as premises of an early years childminder agency, or
 - (b) Part A of the general childcare register as premises of a later years childminder agency,for any of the purposes in subsection (3).
- (3) Those purposes are—
 - (a) conducting an inspection under section 51D(1) or 61E(1);
 - (b) determining whether any conditions or requirements imposed by or under this Part are being complied with.
- (4) An authorisation given by the Chief Inspector under paragraph 9(1) of Schedule 12 to the Education and Inspections Act 2006 in relation to the functions under subsection (1) or (2)—
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (5) A person entering premises under this section may (subject to any conditions imposed under subsection (4)(b))—
 - (a) inspect the premises;
 - (b) inspect, and take copies of—
 - (i) any records kept concerning early years providers or later years providers, and
 - (ii) any other documents containing information relating to such providers;
 - (c) seize and remove any document or other material or thing found there which the person has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;
 - (d) take measurements and photographs or make recordings;
 - (e) interview in private any person present on the premises who works there.
- (6) A person entering premises under this section may (subject to any conditions imposed under subsection (4)(b)) require any person to afford such facilities and assistance with respect to matters within the person's control as are necessary to enable the powers under this section to be exercised.
- (7) Section 58 of the Education Act 2005 (inspection of computer records for the purposes of Part 1 of that Act) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.
- (8) It is an offence intentionally to obstruct a person exercising any power under this section.
- (9) A person guilty of an offence under subsection (8) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Status: This is the original version (as it was originally enacted).

- (10) In this section, “documents” and “records” each include information recorded in any form.

78B Powers of entry under section 78A: requirement for consent

- (1) This section applies where a person (“the authorised person”) proposes to enter domestic premises in pursuance of a power of entry conferred by section 78A(2).
- (2) If the authorised person has reasonable cause to believe that the premises are the home of a person who—
- (a) is not employed by the early years childminder agency or (as the case may be) the later years childminder agency, or
 - (b) is not a director, manager or other officer of, or partner in, the agency, a member of its governing body or otherwise directly concerned in the management of the agency,
- the authorised person may not enter the premises without the consent of an adult who is an occupier of the premises and who falls within paragraph (a) or (b).”

50 In section 79 (power of constable to assist in exercise of powers of entry), in subsection (2), in paragraph (a) after “77” insert “or 78A”.

- 51 (1) Section 82 (supply of information to the Chief Inspector), is amended as follows.
- (2) The existing provision becomes subsection (1).
- (3) In that subsection, after “later years provider” insert “, or (as the case may be) as an early years childminder agency or later years childminder agency,”.

(4) After subsection (1) insert—

“(2) The Chief Inspector’s power under subsection (1) includes a power to require an early years childminder agency or a later years childminder agency to provide the Chief Inspector with information about an early years provider or a later years provider registered with the agency for the purposes of Chapter 2, 3 or 4.”

52 (1) Section 83 (supply of information to HMRC and local authorities) is amended as follows.

(2) In subsection (4)—

- (a) after “in which” insert “—
(a)”,
and

- (b) after “registered” insert “;
(b) registered premises of the early years childminder agency or later years childminder agency are (or, as the case may be, were) located.”

(3) In the title, at the end insert “by the Chief Inspector”.

53 After section 83 insert—

Status: This is the original version (as it was originally enacted).

“83A Supply of information to the Secretary of State, HMRC and local authorities by childminder agencies

- (1) An early years childminder agency or a later years childminder agency must provide prescribed information to the Secretary of State, Her Majesty’s Revenue and Customs, and each relevant local authority, if it—
 - (a) grants a person’s application for registration for the purposes of Chapter 2, 3 or 4;
 - (b) takes any other steps under this Part of a prescribed description.
- (2) The information which may be prescribed for the purposes of this section is—
 - (a) in the case of information to be provided to the Secretary of State, information which the Secretary of State may require for the purposes of the Secretary of State’s functions in relation to universal credit under Part 1 of the Welfare Reform Act 2012;
 - (b) in the case of information to be provided to Her Majesty’s Revenue and Customs, information which Her Majesty’s Revenue and Customs may require for the purposes of their functions in relation to tax credits;
 - (c) in the case of information to be provided to a relevant local authority, information which would assist the local authority in the discharge of their functions under section 12.
- (3) In this section, “relevant local authority” means an English local authority for an area in which a person who is (or, as the case may be, was) registered with the early years childminder agency or later years childminder agency for the purposes of Chapter 2 or 3 provides (or has provided) early years provision or later years provision in respect of which he or she is (or was) registered.”

54 In the title of section 84 (disclosure of information for certain purposes), at the end insert “: the Chief Inspector”.

55 After section 84 insert—

“84A Disclosure of information for certain purposes: childminder agencies

- (1) An early years childminder agency or a later years childminder agency may arrange for prescribed information held by the agency in relation to persons registered with the agency under this Part to be made available for the purpose of—
 - (a) assisting parents or prospective parents in choosing an early years provider or later years provider, or
 - (b) protecting children from harm or neglect.
- (2) The information may be made available in such manner and to such persons as the agency considers appropriate.
- (3) Regulations may require an early years childminder agency or a later years childminder agency to provide prescribed information held by the agency in relation to persons registered with the agency under this Part to prescribed persons for either of the purposes mentioned in subsection (1).”

Status: This is the original version (as it was originally enacted).

- 56 In section 85 (offence of making false or misleading statement), in subsection (1) for “he” substitute “the person”.
- 57 (1) Section 87 (offences by bodies corporate) is amended as follows.
- (2) In subsection (1) for “This section” substitute “Subsection (2)”.
- (3) After subsection (2) insert—
- “(3) Subsection (4) applies where any offence under this Part is committed by a partnership.
- (4) If the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any partner, that partner (as well as the partnership) is guilty of the offence and liable to be proceeded against and punished accordingly.”
- (4) In the title, at the end insert “and partnerships”.
- 58 In section 89 (fees), in subsection (1) after “to 4” insert “in the early years register or the general childcare register”.
- 59 (1) Section 90 (cases where consent to disclosure is withheld) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (a) for “Chapter 2, 3 or 4” substitute “any of Chapters 2 to 4”, and
- (b) in paragraph (b) after “68(2)(a)” insert “or 69B(2)(a)”.
- (3) In subsection (2)(b) omit “his” in both places it occurs.
- 60 (1) Section 93 (notices) is amended as follows.
- (2) In subsection (1)—
- (a) after paragraph (a) insert—
- “(aa) section 57A(2) and (4);
- (ab) section 61C(1);”, and
- (b) after paragraph (b) insert—
- “(ba) section 65A(1) and (3);”.
- (3) In subsection (2)(a) for “him” substitute “the person”.
- (4) In subsection (4)—
- (a) in paragraph (a) for “his” substitute “a”, and
- (b) in paragraph (b) omit “by him”.
- 61 In section 94 (power to amend Part 3: applications in respect of multiple premises), in paragraph (a)—
- (a) after “36(1)” insert “or (1A)”, and
- (b) after “55(1)” insert “or (1A)”.
- 62 (1) Section 98 (interpretation of Part 3) is amended as follows.
- (2) In subsection (1)—
- (a) after the definition of “childcare” insert—
- ““childminder agency” means—
- (a) an early years childminder agency;

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- (b) a later years childminder agency;”,
 - (b) after the definition of “domestic premises” insert—
 - ““early years childminder agency” means a person registered in the early years register as an early years childminder agency;”, and
 - (c) before the definition of “later years provision” insert—
 - ““later years childminder agency” means a person registered in Part A of the general childcare register as a later years childminder agency;”.
- (3) After that subsection insert—
- “(1A) A person is registered for the purposes of this Part if that person is registered—
 - (a) in the early years register,
 - (b) in the general childcare register, or
 - (c) with an early years childminder agency or a later years childminder agency.”

PART 6

OTHER AMENDMENTS

- 63 In section 99 of the Childcare Act 2006 (provision of information about young children: England), in subsection (1) after paragraph (a) (and before the “and” which follows it) insert—
- “(aa) a person registered as an early years childminder agency under Chapter 2A of Part 3.”.
- 64 In the Employment Agencies Act 1973, in section 13(7) (exemptions) after paragraph (c) insert—
- “(ca) an early years childminder agency or a later years childminder agency (as defined in section 98 of the Childcare Act 2006);”.