

2008 No. 1804

CHILDREN AND YOUNG PERSONS, ENGLAND

The Childcare (Fees) Regulations 2008

Made - - - - *3rd July 2008*

Laid before Parliament *11th July 2008*

Coming into force - - *1st September 2008*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 35(2)(c), 36(2)(c), 37(5), 54(2)(c), 55(2)(c), 56(5), 62(2)(c), 63(2)(c), 64(5), 89, 92(5) and 104(2) of the Childcare Act 2006(a):

PART 1

General

Citation and commencement

1. These Regulations may be cited as the Childcare (Fees) Regulations 2008 and come into force on 1st September 2008.

Interpretation

2. In these Regulations—

“the 1989 Act” means the Children Act 1989(b);

“the 2006 Act” means the Childcare Act 2006;

“nominated individual” has the meaning given in—

- (a) paragraph 9 of Schedule 2 to the Childcare (Early Years Register) Regulations 2008(c), in relation to a person registered in the early years register(d);
- (b) paragraph 6 of Schedule 2 to the Childcare (General Childcare Register) Regulations 2008(e), in relation to a person registered in Part A of the general childcare register(f);
- (c) paragraph 6 of Schedule 5 to the Childcare (General Childcare Register) Regulations 2008, in relation to a person registered in Part B of the general childcare register.

(a) 2006 c. 21. For the definitions of “prescribed” and “regulations” see section 98(1).

(b) 1989 c.41.

(c) S.I. 2008/974.

(d) See section 32(2) of the 2006 Act for the meaning of “the early years register”.

(e) S.I. 2008/975.

(f) See section 32(3) of the 2006 Act for the meaning of “the general childcare register”.

PART 2

Application fees

Application fee for the early years register: early years childminders

3. In the case of an application for registration made under section 35(1) of the 2006 Act, the prescribed fee which must accompany the application is £25.

Application fee for the early years register: other early years providers

4. In the case of an application for registration made under section 36(1) of the 2006 Act—

(a) where the applicant intends to provide the early years provision for—

(i) less than 3 hours per day,

(ii) less than 5 days per week, or

(iii) less than 45 weeks per year,

the prescribed fee which must accompany the application is £25;

(b) where the applicant intends to provide the early years provision for—

(i) 3 or more hours per day,

(ii) 5 or more days per week, and

(iii) 45 or more weeks per year,

the prescribed fee which must accompany the application is £180.

Application fee for Part A of the general childcare register: later years childminders

5. In the case of an application for registration under section 54(1) of the 2006 Act, the prescribed fee which must accompany the application is £103.

Application fee for Part A of the general childcare register: other later years providers

6. In the case of an application for registration under section 55(1) of the 2006 Act, the prescribed fee which must accompany the application is £114.

Application fee for Part B of the general childcare register: childminders

7. In the case of an application for registration under section 62(1) of the 2006 Act, the prescribed fee which must accompany the application is £103.

Application fee for Part B of the general childcare register: other childcare providers

8. In the case of an application for registration under section 63(1) of the 2006 Act, the prescribed fee which must accompany the application is £114.

PART 3

Annual fees

Annual fee for childminders registered in the early years register

9.—(1) A person who is registered as an early years childminder under section 37(1) of the 2006 Act must pay to the Chief Inspector^(a) the fee prescribed in paragraph (2) at or by the time prescribed in paragraph (3).

(2) The prescribed fee is £25.

(3) The prescribed time is—

- (a) in the case of a person who immediately before 1st September 2008 was registered under section 79F(1) of the 1989 Act, the day in each year which is the anniversary of the date on which the person became registered under that provision, or
- (b) in all other cases, the day in each year which is the anniversary of the date on which the person became registered under section 37(1) of the 2006 Act.

Annual fee for other early years providers registered in the early years register

10.—(1) A person who is registered as an early years provider (other than a childminder) under section 37(2) of the 2006 Act must pay to the Chief Inspector the fee prescribed in paragraph (2) or (3) at or by the time prescribed in paragraph (5) or (6).

(2) In a case where the early years provision is provided for—

- (a) less than 3 hours per day,
- (b) less than 5 days per week, or
- (c) less than 45 weeks per year,

the prescribed fee is £25.

(3) In a case where the early years provision is provided for—

- (a) 3 or more hours per day,
- (b) 5 or more days per week, and
- (c) 45 or more weeks per year,

the prescribed fee is £180.

(4) Paragraphs (5) and (7) apply in the case of an early years provider who—

- (a) becomes registered under section 37(2) of the 2006 Act on 1st September 2008, and
- (b) immediately before 1st September 2008—
 - (i) the early years provider, or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual, was registered under section 79F(1) or (2) of the 1989 Act.

(5) The prescribed time is the day in each year which is the anniversary of the date on which—

- (i) the early years provider, or
- (ii) in the case of a domestic group provider, the person who is the nominated individual, became registered under section 79F(1) or (2) of the 1989 Act.

(6) In all other cases, the prescribed time is the day in each year which is the anniversary of the date on which the early years provider became registered under section 37(2) of the 2006 Act.

(7) In relation to an annual fee which is payable by an early years provider referred to in paragraph (4) before 1st September 2010, in determining the amount of the fee payable—

- (a) paragraph (2)(a) is to have effect as if the reference in that provision to 3 hours was a reference to 4 hours; and
- (b) paragraph (3)(a) is to have effect as if the reference in that provision to 3 or more hours per day was a reference to 4 or more hours per day.

(a) For the definition of “the Chief Inspector”, see section 98(1) of the 2006 Act, as amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c.40).

- (8) In this regulation, “domestic group provider” means an early years provider who—
- (a) provides early years provision on domestic premises,
 - (b) is registered under section 37(2) of the 2006 Act as an early years provider other than a childminder, and
 - (c) is a partnership, body corporate or unincorporated association.

Annual fee for later years childminders registered in Part A of the general childcare register

11.—(1) Subject to regulation 13, a person who is registered as a later years childminder under section 56(1) of the 2006 Act must pay to the Chief Inspector the fee prescribed in paragraph (2) at or by the time prescribed in paragraph (3).

(2) The prescribed fee is £103.

(3) The prescribed time is—

- (a) in the case of a person who immediately before 1st September 2008 was registered under section 79F(1) of the 1989 Act, the day in each year which is the anniversary of the date on which the person became registered under that provision, or
- (b) in all other cases, the day in each year which is the anniversary of the date on which the person became registered under section 56(1) of the 2006 Act

Annual fee for other later years providers registered in Part A of the general childcare register

12.—(1) Subject to regulation 13, a person who is registered as a later years provider (other than a childminder) under section 56(2) must pay to the Chief Inspector the fee prescribed in paragraph (2) at or by the time prescribed in paragraph (4) or (5).

(2) The prescribed fee is £114.

(3) Paragraph (4) applies in the case of a later years provider who—

- (a) becomes registered under section 56(2) of the 2006 Act on 1st September 2008, and
- (b) immediately before 1st September 2008—
 - (i) the later years provider, or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual, was registered under section 79F(1) or (2) of the 1989 Act.

(4) The prescribed time is the day in each year which is the anniversary of the date on which—

- (a) the later years provider, or
- (b) in the case of a domestic group provider, the person who is the nominated individual,

became registered under section 79F(1) or (2) of the 1989 Act.

(5) In all other cases, the prescribed time is the day in each year which is the anniversary of the date on which the later years provider became registered under section 56(2) of the 2006 Act.

(6) In this regulation, “domestic group provider” means a later years provider who—

- (a) provides later years provision on domestic premises,
- (b) is registered under section 56(2) of the 2006 Act as a later years provider other than a childminder, and
- (c) is a partnership, body corporate or unincorporated association.

Further provision about annual fees for Part A of the general childcare register

13.—(1) Regulation 11 does not apply in any case where, on the date on which the annual fee would otherwise be payable, the person by whom that annual fee would be payable is also registered as an early years childminder under section 37(1) of the 2006 Act.

(2) Regulation 12 does not apply in any case where, on the date on which the annual fee would otherwise be payable, the person by whom that annual fee would be payable is also registered as an early years provider (other than a childminder) under section 37(2) of the 2006 Act.

Annual fee for childminders registered in Part B of the general childcare register

14.—(1) Subject to regulation 16, a person who is registered under section 64(1) of the 2006 Act must pay to the Chief Inspector the fee prescribed in paragraph (2) at or by the time prescribed in paragraph (3).

(2) The prescribed fee is £103.

(3) The prescribed time is—

- (a) in the case of a person who immediately before 1st September 2008 was registered under section 79F(1) of the 1989 Act, the day in each year which is the anniversary of the date on which the person became registered under that provision;
- (b) in any other case, the day in each year which is the anniversary of the date on which the person became registered under section 64(1) of the 2006 Act.

Annual fee for other childcare providers registered in Part B of the general childcare register

15.—(1) Subject to regulation 16, a person who is registered under section 64(2) of the 2006 Act must pay to the Chief Inspector the fee prescribed in paragraph (2) at or by the time prescribed in paragraph (4) or (5).

(2) The prescribed fee is £114.

(3) Paragraph (4) applies in the case of an early years or later years provider who—

- (a) becomes registered under section 64(2) of the 2006 Act on 1st September 2008, and
- (b) immediately before 1st September 2008—
 - (i) the early or later years provider, or
 - (ii) in the case of a domestic group provider, the person who is the nominated individual, was registered under section 79F(1) or (2) of the 1989 Act.

(4) The prescribed time is the day in each year which is the anniversary of the date on which—

- (a) the early or later years provider, or
- (b) in the case of a domestic group provider, the person who is the nominated individual,

became registered under section 79F(1) or (2) of the 1989 Act.

(5) In any other case, the prescribed time is the day in each year which is the anniversary of the date on which the person became registered under section 64(2) of the 2006 Act.

(6) In this regulation, “domestic group provider” means an early years or later years provider who—

- (a) provides childcare on domestic premises,
- (b) is registered under section 64(2) as a provider of childcare other than childminding, and
- (c) is a partnership, body corporate or unincorporated association.

Further provision about annual fees for Part B of the general childcare register

16.—(1) Regulation 14 does not apply in any case where, on the date on which the annual fee would otherwise be payable, the person by whom that annual fee would be payable is also registered—

- (a) as an early years childminder under section 37(1) of the 2006 Act, or
- (b) as a later years childminder under section 56(1) of the 2006 Act.

(2) Regulation 15 does not apply in any case where, on the date on which the annual fee would otherwise be payable, the person by whom that annual fee would be payable is also registered—

- (a) as an early years provider (other than a childminder) under section 37(2) of the 2006 Act, or
- (b) as a later years provider (other than a childminder) under section 56(2) of the 2006 Act.

PART 4

Fees for certificates

Fee payable for copy certificate where original is lost or destroyed

17. For the purposes of sections 37(5), 56(5), 64(5) and 92(5) of the 2006 Act, the prescribed fee for a copy of a certificate of registration or combined certificate of registration that has been lost or destroyed is £7.00.

3rd July 2008

Beverley Hughes
Minister of State
Department for Children, Schools and Families

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about fees payable by providers of childcare who are registered in either the early years register (“the EYR”), Part A of the general childcare register (“the GCR”) or Part B of the GCR under Part 3 of the Childcare Act 2006 (“the 2006 Act”).

Part 2 provides for application fees for registration in the EYR, Part A of the GCR or Part B of the GCR (“the Childcare Act registers”). The fees differ depending on whether a person is applying to be registered as a childminder or as a childcare provider other than a childminder. For the EYR only, the application fees for early years providers other than childminders also differ depending on the number of hours, and how frequently, the early years provision will be provided.

Part 3 provides for annual fees which must be paid by those registered in one of the Childcare Act registers. The annual fee is payable in respect of the discharge by the Chief Inspector of functions relating to the regulation and inspection of providers on the registers.

For those automatically transferring on 1st September 2008 from the childcare register under Part 10A of the Children Act 1989 (“the 1989 Act register”) to one of the Childcare Act registers, the annual fee will become payable on the anniversary of the person’s registration on the 1989 Act register. For all other providers, the annual fee will become payable on the anniversary of their registration in the EYR, Part A of the GCR or Part B of the GCR.

Different provision applies where a group of child minders were registered on the 1989 Act register, operated from the same domestic premises, transfer into one of the Childcare Act registers on 1st September 2008 and become registered collectively as a partnership, company or unincorporated association to provide early years provision other than childminding (“domestic group providers”). This is due to section 96(5) or 96(9) of the 2006 Act, the effect of which is that where the number of childminders or assistants operating from domestic premises exceeds three, this cannot be registered as childminding. In the case of such a provider, the date for payment of the annual fee is governed by the date of registration as a childminder in the 1989 Act register of the person in the company, partnership or unincorporated association who is the “nominated individual” (the person nominated to be responsible for dealing with matters relating to the registration, and for overseeing the management of the childcare provision).

Regulation 10(7) contains a transitional provision which will operate for 2 years and which applies to childcare providers (other than childminders) who transfer from the 1989 Act register to one of the Childcare Act registers on 1st September 2008. The transitional provision means that the threshold between the annual fee rates set out in regulation 10(2) and (3) is based on a period of 4 hours (rather than 3 hours).

Regulations 13 and 16 ensure that, where a person is registered in more than one of the Childcare Act registers, only one annual fee will be payable. If the person is registered in the EYR, and also in either Part A or Part B of the GCR, only the EYR annual fee will be payable, and the payment date will be linked to the date of registration in the EYR. If the person is registered in Part A and Part B of the GCR (but not in the EYR), only the Part A annual fee will be payable, and the payment date will be linked to the date of registration in Part A of the GCR.

Part 4 deals with the fee for a replacement certificate of registration.

An Impact Assessment has been produced for this instrument and is annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website <http://www.opsi.gov.uk>

STATUTORY INSTRUMENTS

2008 No. 1804

CHILDREN AND YOUNG PERSONS, ENGLAND

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