STATUTORY INSTRUMENTS

2024 No. 1000 (C. 65)

Children and young persons, England

The Levelling-up and Regeneration Act 2023 (Commencement No. 5 and Transitional Provision) Regulations 2024

Made - - - - 9th October 2024

Coming into force - - 1st November 2024

The Secretary of State makes these Regulations in exercise of the powers conferred by section 255(9)(a) and (12) of the Levelling-up and Regeneration Act 2023(**[[1]](#footnote-2)**).

Citation and interpretation

1. — These Regulations may be cited as the Levelling-up and Regeneration Act 2023 (Commencement No. 5 and Transitional Provision) Regulations 2024.
   1. In these Regulations—

“the Act” means the Levelling-up and Regeneration Act 2023;

“the 2006 Act” means the Childcare Act 2006(**[[2]](#footnote-3)**);

“the commencement date” means 1st November 2024.

* 1. In these Regulations the following terms have the meaning given by section 98 (interpretation of Part 3) of the 2006 Act—
     1. “the Chief Inspector”([[3]](#footnote-4));
     2. “childcare”;
     3. “childminder agency”([[4]](#footnote-5));
     4. “domestic premises”;
     5. “early years childminder”;
     6. “early years childminder agency([[5]](#footnote-6))”;
     7. “early years childminding”;
     8. “early years provider”;
     9. “early years provision”;
     10. “later years childminder”;
     11. “later years childminder agency([[6]](#footnote-7))”;
     12. “later years childminding”;
     13. “later years provider”;
     14. “later years provision”.
  2. In these Regulations, the following terms are to be construed in accordance with section 32([[7]](#footnote-8)) (maintenance of the two childcare registers) of the 2006 Act—
     1. “the early years register”;
     2. “Part A of the general childcare register”;
     3. “Part B of the general childcare register”.

Provisions coming into force on the commencement date

1. The following provisions of the Act come into force on the commencement date—
   * 1. section 237 (childcare: use of non-domestic premises) and Schedule 23 (use of non-domestic premises for childcare: registration); and
     2. section 238 (childcare: number of providers).

Schedules – transitional provision

1. The following Schedules to these Regulations have effect—
   * 1. Schedule 1 (transitional provision: persons who may only provide childcare on non-domestic premises other than childminders without domestic premises);
     2. Schedule 2 (transitional provision: persons providing childcare on domestic premises other than childminders); and
     3. Schedule 3 (transitional provision: childminders with domestic premises).

Saving provision in relation to the Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014

1. No provision made in the Schedules to these Regulations has any effect for the purpose of computing a year of registration for the purposes of the Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014(**[[8]](#footnote-9)**).

Signed on behalf of the Secretary of State

Stephen Morgan

Parliamentary Under Secretary of State

9th October 2024 Department for Education

SCHEDULE

SCHEDULE 1 Regulation 3(c)

Transitional Provision: childminders with domestic premises

1. — A person comes within this sub-paragraph where—
   * 1. before the commencement date that person has given notice for registration as a childminder—
        1. to the Chief Inspector under section 65(1) of the 2006 Act for registration in Part B of the general childcare register; or
        2. to an early years childminder agency or to a later years childminder agency under section 65A(1) of the 2006 Act for registration with that early years childminder agency or later years childminder agency; and
     2. immediately before the commencement date—
        1. the Chief Inspector has not discharged their duty under section 65(1) of the 2006 Act; or, as the case may be,
        2. the early years or the later years childminder agency in question has not discharged its duty under section 65A(2) of the 2006 Act,

in relation to the notice referred to in sub-paragraph (a).

* 1. A person who comes within sub-paragraph (1) is deemed on and after the commencement date to have given the notice referred to in sub-paragraph (1)(a)(i) or (ii) for registration as a childminder with domestic premises—
     1. in the case of a person who has given a notice to be registered as described in sub-paragraph (1)(a)(i), in Part B of the general childcare register under section 65(1) of the 2006 Act; or
     2. in the case of a person who has given a notice to be registered as described in sub-paragraph (1)(a)(ii), with the early years childminder agency or the later years childminder agency in question under section 65A(1) of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

**First heading**

These Regulations are the fifth commencement regulations bringing into force provision in the Levelling-up And Regeneration Act 2023 (c. 55) (“the Act”).

The provisions of the Act specified in regulation 2 come into force on 1st November 2024. Those provisions are—

* + 1. section 237 (childcare: use of non-domestic premises), and Schedule 23 (use of non-domestic premises for childcare registration) as introduced by that section; and
    2. section 238 (childcare: number of providers).

The provision brought into force by these Regulations amends Part 3 of the Childcare Act 2006 (c. 21) (“the 2006 Act”) (regulation of provision of childcare in England).

**Heading here**

Section 237(1) of the Act amends the definitions of “early years childminding” and “later years childminding” in sections 96(4) and (8) of the Childcare Act 2006 respectively (those provisions coming within Part 3 of the 2006 Act), by removing the requirement that at least half of the provision must be provided on domestic premises. Subsection (2) 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.

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Section 238 amends sections 96(5) and (9) of the 2006 Act, substituting the word “three” with “four”. The effect of this change is to increase the number of other childminders or assistants that childminders may 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 Childcare Act 2006).

The Schedules to these Regulations make transitional provision in relation to the provision these Regulations bring into force.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

The following provisions of the Levelling-up and Regeneration Act 2023 have been brought into force by commencement Regulations made before the date of these Regulations.

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| Provision | Date of Commencement | S.I. No. |
| Section 78 | 31.01.2024 | S.I. 2024/92 |
| In Schedule 19—  (a) paragraph 1 (partially);  (b) paragraph 1 (partially);  (c) paragraphs 2 and 3 (partially) | 31.01.2024  30.04.2024  31.03.2024 | S.I. 2024/92  S.I. 2024/389  S.I. 2024/389 |
| Schedule 22 | 31.03.2024 | S.I. 2024/389 |

1. () 2023 c. 55 (“the LURA”). [↑](#footnote-ref-2)
2. () 2006 c. 21 (“the 2006 Act”). [↑](#footnote-ref-3)
3. () The definition of Chief Inspector was amended by paragraph 117 of Schedule 14 to the Education and Inspections Act 2006 (c. 40). [↑](#footnote-ref-4)
4. () The definition of childminder agency was inserted by paragraph 62(2)(a) of Schedule 4 to the Children and Families Act 2014 (c. 6) (“the 2014 Act”). [↑](#footnote-ref-5)
5. () The definition of early years childminder agency was inserted by paragraph 62(2)(b) of Schedule 4 to the 2014 Act. [↑](#footnote-ref-6)
6. () The definition of later years childminder agency was inserted by paragraph 62(2)(c) of Schedule 4 to the 2014 Act. [↑](#footnote-ref-7)
7. () Section 32 was amended by paragraph 2 of Schedule 4 to the 2014 Act. [↑](#footnote-ref-8)
8. () S.I. 2014/1920; “year of registration” is defined in regulation 2 of that instrument. [↑](#footnote-ref-9)