
STATUTORY INSTRUMENTS

2017 No. 1160

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Childcare (Early Years Provision Free of Charge)
(Extended Entitlement) (Amendment) Regulations 2017**

Made - - - - 27th November 2017
Laid before Parliament 1st December 2017
Coming into force - - 1st January 2018

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(2), (3), (4) and (7), 2(1) and 2(2)(d) and 4(2) of the Childcare Act 2016⁽¹⁾.

In accordance with section 2(3) of that Act, these Regulations are made with the consent of the Treasury.

Citation and commencement

1. These Regulations may be cited as the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) (Amendment) Regulations 2017.
2. These Regulations come into force on 1st January 2018.

Amendment to the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016

3.—(1) The Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016⁽²⁾ are amended as follows.

- (2) In regulation 5 (the requirement to be in qualifying paid work)—
 - (a) in paragraph (1) after “if” insert “the person holds a national insurance number and”;
 - (b) after paragraph (1) insert—

“(1A) The requirement in paragraph (1) to hold a national insurance number does not apply to a person who is resident and in paid work in another EEA state.”, and
 - (c) in paragraph (2), for “14” substitute “31”.

- (3) In paragraph (4) of regulation 8 (qualifying paid work: time off in connection with sickness or parenting) for “14”, in both places it occurs, substitute “31”.

(1) 2016 c.5.
(2) S.I. 2016/1257.

(4) In regulation 15 (period of time for which the first declaration has effect)—

(a) after paragraph (7) insert—

“(7A) Where a person (“A”) who has already made a declaration in respect of a child becomes the partner of a person who holds a childcare account under section 17(3) of the Childcare Payments Act 2014(3), the Commissioners may vary the length of a declaration period in respect of that child for the purposes of aligning the start of the declaration period in respect of that child with the start of the next entitlement period of A’s partner under regulation 4 of the Childcare Payments Regulations 2015(4).”;

(b) in paragraph (8) for “(7)” substitute “(7A)”; and

(c) in paragraph (9) for “(7)” substitute “(7A)”.

Signed by the authority of the Secretary of State for Education

27th November 2017

Robert Goodwill
Minister of State for Children and Families
Department for Education

We consent

27th November 2017

Andrew Griffiths
David Evennett
Two of the Lords Commissioners of Her
Majesty’s Treasury

(3) 2014 c.28.
(4) S.I. 2015/522.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Childcare (Early Years Provision Free of Charge) (Extended Entitlement) Regulations 2016 ([S.I. 2016/1257](#)) (“the 2016 Regulations”) which set out detailed requirements that a person must satisfy in order to receive free childcare for children of working parents in England pursuant to the Childcare Act 2016 ([2016 c.5](#)) (the “2016 Act”) (known as the “Extended Entitlement”).

Paragraph (2)(2)(a) of regulation 3 amends regulation 5 of the 2016 Regulations and has the effect of requiring a parent and their partner to obtain a national insurance number before making a declaration of eligibility for the Extended Entitlement.

Paragraphs (2)(2)(b) and (c) and paragraph 3 of regulation 3 amend regulations 5 and 8 of the 2016 Regulations. to allow a parent to make a declaration of eligibility for the Extended Entitlement up to 31 days before starting work or returning to work from unpaid or parental leave. Previously under the 2016 Regulations, a parent could only submit a declaration 14 days before starting or returning to work.

Paragraph (4) of regulation 3 introduces amendments to the 2016 Regulations which allow HMRC to deal efficiently with cases of parents who make a declaration of eligibility for the Extended Entitlement and who subsequently form a partnership with a parent who has applied for childcare subsidies pursuant to a scheme set up under the Childcare Payments Act [2016 \(c.28\)](#). The effect of the amendment is to give HMRC the power to align the date on which the new family unit must reconfirm eligibility under both schemes.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.