

EXPLANATORY MEMORANDUM TO
THE DAY CARE AND CHILDMINDING (REGISTRATION FEES)
(ENGLAND)
REGULATIONS 2005

2005 No. 2301

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 These Regulations set the fees to be paid by persons applying for registration as a child minder or provider of day care and for the annual fees payable thereafter for ongoing registration.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 Section 79E(2)(c) of and paragraph 7 of Schedule 9A to the Children Act 1989 (“the 1989 Act”) were inserted by the Children Act 2004. The Children Act 2004 (Commencement No. 4 and Transitional Provision and Savings) Order 2005 is relevant to these regulations as it commences the relevant provisions on 3rd October 2005. These Regulations are the first use of these powers as amended.
 - 4.2 The Regulations revoke and replace the Child Minding and Day Care (Registration and Annual Fees) Regulations 2001 (“the 2001 Regulations”). The Regulations do not do not amend the current fee levels. However section 79E(2)(c) of the 1989 Act does provide that the prescribed fee must accompany the application for registration. This is a change from the previous position which made payment of the prescribed fee a condition for the grant of registration.
5. **Extent**
 - 5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The policy intent is to make more efficient use of time and in so doing to shorten the registration process as currently a certificate cannot be issued until the fee is paid. It is also to ensure that the Chief Inspector (i.e. Ofsted) can be paid for the work done on the application rather than for the issuing of a registration certificate. At present fees cannot be collected where an application is withdrawn or disallowed.

7.2 The payment of the fee at the point of application may also help to ensure commitment to the registration process and thus prevent spurious or incomplete applications.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no additional impact on business, charities or voluntary bodies as the fee level has not been changed.

9. Contact

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