



STATUTORY INSTRUMENTS.

S.I. No. 195 of 2022



CHILD CARE ACT 1991 (EARLY YEARS SERVICES) (AMENDMENT)
REGULATIONS 2022

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I, RODERIC O'GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 58B (inserted by section 92 of the Child and Family Agency Act 2013 (No. 40 of 2013)) (as adapted by the Housing, Planning and Local Government (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 408 of 2020) and by the Education and Skills (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. 450 of 2020)) of the Child Care Act 1991 (No. 17 of 1991), after consultation with the Minister for Education and the Minister for Housing, Local Government and Heritage, hereby make the following regulations:

Title and commencement

1. (1) These Regulations may be cited as the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2022.

(2) These Regulations (other than Regulation 4) come into operation on 27 April 2022.

(3) Regulation 4 comes into operation on 31 January 2023.

Interpretation

2. In these Regulations:

“Principal Regulations” means the Child Care Act 1991 (Early Years Services) Regulations 2016 (S.I. No. 221 of 2016) as amended by the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2016 (S.I. No. 632 of 2016) and the Child Care Act 1991 (Early Years Services) (Amendment) Regulations 2021 (S.I. No. 401 of 2021).

“Renewal of Registration” means the application process applying to a registered provider who has reached the end of their registration period and wishes to remain on the register as set out in section 58D(10) of the Act.

“Certificate of Registration” means a certificate issued by the Agency to a registered provider of a prescribed pre-school service setting out the details of the service registration.

Amendment of Regulation 6 of the Principal Regulations

3. Regulation 6 of the Principal Regulations is amended -

(a) in paragraph (1), by the insertion of “or services seeking to apply for renewal of registration” after “other than temporary pre-school services”.

(b) By inserting after paragraph (1) the following paragraph:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th April, 2022.*

“(1A) The form set out in Schedule 2A is prescribed for the purposes of section 58D(3) for services seeking to apply for renewal of registration. Such services must have previously supplied, at registration or renewal of registration, all supporting documentation or evidence required to fulfil the requirements of the registration process as set out in Schedule 2.”

(c) By inserting after paragraph (5) the following paragraph:

“(5A) A person making an application under section 58D(2) in accordance with paragraph (1A) shall enclose with the form set out in Schedule 2A-

(a) a copy of the vetting disclosure received from the National Vetting Bureau of the Garda Síochána in accordance with the Act of 2012 in respect of—

(i) the person,

(ii) where the person is a body corporate, each director of the body, and

(iii) where the person in charge is different to the registered provider, the person in charge,

(b) such documentation as demonstrates that the person making the application has valid and appropriate insurance cover for the pre-school service.”

(d) in subparagraph (6)(a), by substituting “applying,” for “applying, and”.

(e) by the inserting after subparagraph (6)(a) the following subparagraph:

“(aa) may assess any information previously provided by the registered provider in relation to the pre-school service or any information or documents held by the Agency in relation to the pre-school service including information or documents obtained during inspection, and”.

Insertion of new Regulation 7A of the Principal Regulations

4. The Principal Regulations are amended by inserting after Regulation 7 the following Regulation:

“Certificate of Registration

7A. (1) A registered provider of a pre-school service shall be furnished with a certificate of registration for the service by the Agency.

(2) The Agency shall ensure that a certificate of registration is issued to a pre-school service as soon as is practicable following any change to the details of registration on the register including:

(a) following registration or renewal of registration of the service,

- (b) following completion of a change in circumstance as prescribed in Regulation 8,
- (c) following attachment or removal of one or more conditions of registration under sections 58(D) (5) and (8) of the Act, or
- (d) where the Agency has become aware that any particular entered in the register is incorrect in line with 58(D)(7).

(3) A certificate of registration shall include all details in relation to the pre-school service as contained in the register.

(4) A registered provider shall ensure that a certificate of registration for a pre-school service is displayed in a prominent position within the service where it is clearly visible to parents and members of the public who enter the service.

(5) A registered provider shall ensure that the certificate displayed in the pre-school service is the most recent certificate issued to the service by the Agency.

(6) A registered provider shall not alter or amend the particulars detailed on the certificate of registration.”

Insertion of new Schedule 2A of the Principal Regulations

5. The Principal Regulations are amended by inserting after Schedule 2 the following Schedule:

“Schedule 2A

Application Form and Declaration for Renewal of Registration of a Pre-school Service

This form is for use by a registered provider who wishes to renew the registration of a pre-school service. This form may not be used by applicants making a first-time application for registration.

Part VIIA of the Child Care Act 1991 as inserted by Section 92 of the Child & Family Agency Act 2013.

Please complete in BLACK pen, in BLOCK CAPITALS

Information to be enclosed with application form:

- Garda vetting for registered provider and person in charge (if different) and, where the proposed registered provider is a corporate body, each director of the body
- Copy of the Certificate of Insurance or written confirmation of insurance cover
- Application Fee Due

General Details:

Registered Provider Name:

Service Name:

Registration Number:

Standard Declaration:

I declare that I am the registered provider of a pre-school service which is entered on the register of pre-school services as provided for in Section 58C of the Act.

I declare that I have previously supplied, at registration or renewal of registration, all supporting documentation or evidence required to fulfill the requirements of the registration process as set out in Schedule 2.

I declare that (please tick either (a) or (b)):

- (a) I have made no material alterations to my registered service which would require a change in the details in relation to the service contained in the register since last registration or last renewal of registration and that the details relating to my service as contained in the register are correct, or
- (b) all changes made to my registered service since last registration or last renewal of registration have been notified to Tusla in accordance with Regulation 8 along with relevant supporting documentation and that such changes have been duly approved by Tusla.

I acknowledge that Tusla may carry out any and all checks required in order to verify the information provided in this application form when assessing my suitability to renew registration of my pre-school service. I acknowledge that Tusla may also assess any information previously provided by me in relation to the pre-school service or any information or documents held by the Agency in relation to the pre-school service including information or documents obtained during inspection.

I declare that all of the information that I have provided to Tusla in respect of my application is true and correct to the best of my knowledge and belief.

A. The name below is that of the registered provider/s.

Name: _____ Signature: _____

Name: _____ Signature: _____

B. Where Registered Provider has authorised another party to make declaration:

Status of Signatory: _____

(for example, Individual, director, chairperson)

Name: _____ Signature: _____

Date: _____”



GIVEN under the Official Seal of the Minister for Children,
Equality, Disability, Integration, and Youth,
26 April, 2022.

RODERIC O’GORMAN,
Minister for Children, Equality, Disability, Integration and
Youth.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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