
STATUTORY INSTRUMENTS

2015 No. 0000

CHILDCARE PAYMENTS

The Childcare Payments Regulations 2015

Made - - - - ***

Laid before Parliament ***

Coming into force - - ***

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations, in exercise of the powers conferred by sections 2(3)(a) and (4), 4(6), 5(3), 15(3) to (5), 17(4), 19(6), 24(1), (3) and (4), 25, 26(1) and (3), 48(6) and 61(1), (2), (3) and (5) of the Childcare Payments Act 2014(a).

Citation and commencement

1. These Regulations may be cited as the Childcare Payments Regulations 2015 and come into force on ** 2015.

Interpretation

2. In these Regulations—

“the Act” means the Childcare Payments Act 2014, and a reference without more to a numbered section is a reference to the section of the Act bearing that number;

“armed forces independence payment” means the allowance referred to in article 24A of the Armed Forces and Reserve Forces (Compensation Scheme) Order 2011(b);

“disability living allowance” means disability living allowance under sections 71 to 76 of the Social Security Contributions and Benefits Act 1992(c);

“personal independence payment” means personal independence payment under Part 4 of the Welfare Reform Act 2012(d).

Qualifying childcare: registered or approved childcare

3.—(1) For the purposes of section 2 (qualifying childcare), childcare described in paragraphs (2) to (6) is to be regarded as registered or approved childcare.

(2) Care provided in England for a child—

(a) by a person registered under Part 3 of the Childcare Act 2006(e);

(b) by or under the direction of the proprietor of a school as part of the school activities—

(a) 2014 c. **.
(b) S.I. 2011/517, as amended by S.I. 2013/436.
(c) 1992 c. 4.
(d) 2012 c. 5.
(e) 2006 c. 21.

- (i) out of school hours, where a child has reached compulsory school age, or
 - (ii) at any time, where a child has not yet reached compulsory school age; or
 - (c) by a domiciliary care provider registered with the Care Quality Commission in accordance with the requirements of the Health and Social Care Act 2008(a).
- (3) Care provided in Wales for a child—
- (a) by a person registered under Part 2 of the Children and Families (Wales) Measure 2010(b);
 - (b) by a person in circumstances where, but for article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010(c), the care would be day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010;
 - (c) out of school hours, by a school on school premises or by a local authority;
 - (d) by a domiciliary care worker under the Domiciliary Care Agencies (Wales) Regulations 2004(d);
 - (e) by a foster parent in relation to a child (other than one whom the foster parent is fostering) in circumstances where the care would be child minding or day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010 but for the fact that the child is over the age of the children to whom that Measure applies; or
 - (f) by a childcare provider approved in accordance with a scheme made by the National Assembly for Wales under section 12(5) of the Tax Credits Act 2002(e).
- (4) Care provided in Scotland for a child—
- (a) by a person in circumstances where the care service provided by the person consists of child minding or of day care of children within the meaning of paragraph 12 or 13 of Schedule 12 to the Public Services Reform (Scotland) Act 2010(f) and is registered under Part 5 of that Act;
 - (b) by a local authority in circumstances where the care service provided by the local authority consists of child minding or of day care of children within the meaning of paragraph 12 or 13 of Schedule 12 to the Public Services Reform (Scotland) Act 2010 and is registered under Part 5 of that Act; or
 - (c) by a childcare agency where the care service consists of or includes supplying, or introducing to persons who use the service, childcarers within the meaning of paragraph 5 of Schedule 12 to the Public Services Reform (Scotland) Act 2010.
- (5) Care provided in Northern Ireland for a child—
- (a) by a person registered under Part XI of the Children (Northern Ireland) Order 1995(g)
 - (b) by an institution or establishment exempt from registration under that Part by virtue of Article 121 of that Order; or
 - (c) by a childcare provider approved in accordance with a scheme under the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006(h).
- (6) Care provided for a child outside the United Kingdom by a childcare provider approved by an organisation accredited by the Secretary of State under the Tax Credit (New Category of Child Care Provider) Regulations 2002(i).
- (7) The following are not registered or approved childcare—
- (a) care provided for a child by the child's parent or the parent's partner;

(a) 2008 c. 14.
(b) 2010 nawm. 1.
(c) S.I. 2010/2839 (W 233).
(d) S.I. 2004/219 (W 23).
(e) 2002 c. 21.
(f) 2010 asp. 8.
(g) S.I. 1995/755 (N.I. 2).
(h) S.R. 2006/64.
(i) S.I. 2002/1417.

(b) care provided for a child by a close relative of the child, wholly or mainly in the child's home; and

(c) care provided by a person who is a foster parent of the child.

(8) Care is not within paragraph (2)(a) if it is provided in breach of a requirement to register under Part 3 of the Childcare Act 2006.

(9) Care is not within paragraph (5)(a) if it is provided in breach of a requirement to register under Part XI of the Children (Northern Ireland) Order 1995.

(10) In paragraph (2)(b) and (3)(c)—

“proprietor”, in relation to a school, means—

the governing body incorporated under section 19 of the Education Act 2002(a), or

if there is no such body, the person or body of persons responsible for the management of the school;

“school” means—

in England, a school that Her Majesty's Chief Inspector of Education, Children's Services and Skills is or may be required to inspect;

in Wales, a school maintained by a local authority in Wales or a special school in Wales not so maintained;

“school premises” means premises that may be inspected as part of an inspection of the school.

Entitlement periods

4.—(1) A person's first entitlement period begins on the day on which HMRC confirm that the person is an eligible person for the entitlement period.

(2) Each subsequent entitlement period begins on the day after the previous entitlement period ends.

(3) Each entitlement period begins on the same day of a month except as follows—

(a) if the first entitlement period begins or ends on the 31st day of a month, each subsequent entitlement period shall begin or end on the last day of the month; and

(b) if the first entitlement period begins or ends on the 29th or 30th day of a month, each subsequent entitlement period shall begin or end on the 29th or 30th day of the month, except in February where it begins or ends on the 27th day or, in a leap year, the 28th day.

Variation of entitlement periods

5.—(1) HMRC may vary the length of an entitlement period—

(a) on the opening of a childcare account in relation to a person's first entitlement period;

(b) on the opening of a childcare account for a person's second or subsequent child;

(c) in order to align the entitlement periods of two account-holders.

(2) The relevant maximum for the period varied under paragraph (1) is determined by the formula—

$$A \div 91 \times \text{£}2,000$$

where *A* is the number of days in the varied entitlement period.

(a) 2002 c. 32. Section 19 has been amended by S.I. 2010/1158.

Declarations of eligibility

- 6.—(1) A declaration of eligibility must—
- (a) be in the form specified by HMRC;
 - (b) be made and sent to HMRC in accordance with regulation 20; and
 - (c) contain sufficient information to enable HMRC to—
 - (i) identify the person making the declaration, the person’s partner (if any) and the person’s child; and
 - (ii) determine whether the person is an eligible person.
- (2) A person must make a declaration of eligibility—
- (a) on the day the person applies to open a childcare account; and
 - (b) on the day the person reconfirms their eligibility for a second or subsequent entitlement period (a “reconfirming declaration”).
- (3) A reconfirming declaration can be made within the period of 28 days immediately preceding the beginning of the entitlement period for which that declaration is made, but see paragraph (4).
- (4) Where a reconfirming declaration is made during the period of 7 days immediately preceding the beginning of the entitlement period for which that declaration is made, HMRC will not determine whether the declaration is valid for the purposes of the Act until—
- (a) 7 days after the declaration was made; or
 - (b) such earlier time as HMRC allow.

Late declarations of eligibility

- 7.—(1) A declaration of eligibility must be made before the end of the entitlement period for which it is made.
- (2) If a declaration of eligibility is made during the entitlement period for which it is made (a “late declaration of eligibility”), HMRC will not determine whether the declaration is valid for the purposes of the Act until—
- (a) 7 days after the declaration was made; or
 - (b) such earlier time as HMRC allow.
- (3) If a person (“P”) makes a late declaration of eligibility—
- (a) P is only entitled to make qualifying payments for the remainder of the entitlement period after the day on which HMRC determine the declaration is valid; and
 - (b) the relevant maximum for the entitlement period is reduced to an amount determined by the formula—

$$A \div 91 \times \pounds 2,000$$

where *A* is the number of days beginning with the day on which HMRC determine that the declaration is valid and ending on the last day of the entitlement period.

- (4) The relevant maximum for an entitlement period is not reduced under paragraph (3)(b) if P satisfies HMRC that—
- (a) P has met the conditions of eligibility in sections 6 to 13 (conditions of eligibility) continuously since the beginning of the entitlement period; and
 - (b) in a case where P has a partner, P’s partner has met the conditions of eligibility in sections 9 to 13 continuously since the beginning of the entitlement period.
- (5) Paragraph (4) does not apply in a case within regulation 12(2).

Circumstances where eligible person unable to act—receivers etc

8.—(1) In the circumstances specified in paragraph (2) a person mentioned in sub-paragraph (b) of that paragraph may act for the person mentioned in sub-paragraph (a) of that paragraph for the purposes of—

- (a) making a declaration of eligibility;
- (b) opening a childcare account;
- (c) managing a childcare account.

(2) The circumstances specified in this paragraph are where—

- (a) a person is, or is alleged to be, an eligible person but is unable for the time being to open and manage a childcare account; and
- (b) there are any of the following—
 - (i) a receiver appointed by the Court of Protection with power to open and manage a childcare account on behalf of the person;
 - (ii) in Scotland, a tutor, curator or other guardian acting or appointed in terms of law who is administering the estate of the person; and
 - (iii) in Northern Ireland, a controller appointed by the High Court, with power to open and manage a childcare account on behalf of the person.

Circumstances where eligible person unable to act—other appointed persons

9.—(1) In the circumstances specified in paragraph (2) a person mentioned in sub-paragraph (b) of that paragraph may act for the person mentioned in sub-paragraph (a) of that paragraph for the purposes of—

- (a) making a declaration of eligibility;
- (b) opening a childcare account;
- (c) managing a childcare account.

(2) The circumstances specified in this paragraph are where—

- (a) a person is, or is alleged to be, an eligible person but is unable for the time being to open and manage a childcare account; and
- (b) in relation to that person, there is a person appointed under—
 - (i) regulation 33(1) of the Social Security (Claims and Payments) Regulations 1987^(a);
 - (ii) regulation 33(1) of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987^(b); or
 - (iii) paragraph (3).

(3) Where no person mentioned in regulation 8(2)(b) has been appointed in relation to the person who is unable to act, HMRC may appoint under this paragraph a person who—

- (a) has applied in writing to HMRC to be appointed to act on behalf of the person who is unable to act; and
- (b) if a natural person, is aged 18 years or more.

(4) An appointment under paragraph (3) shall end if—

- (a) HMRC terminate it;
- (b) the person appointed has resigned from the appointment having given one month's notice in writing to HMRC of their resignation; or

(a) S.I. 1987/1968. Regulation 33(1) was amended by regulations 20 and 23 of, and Parts 1 and 4 of the Schedule to, S.I. 1999/2572.

(b) S.R. 1987/465. Regulation 33(1) was amended by regulations 20 and 23 of, and the Schedule to, S.I. 1999/2574.

- (c) HMRC are notified that a receiver or other person mentioned in regulation 8(2)(b) has been appointed in relation to the person who is unable to open or manage a childcare account.

Appointment by account-holder of person to manage childcare account

10.—(1) A person appointed by an account-holder may manage a childcare account on behalf of the account-holder.

(2) The person appointed under paragraph (1) must be an individual whose name is notified to HMRC before any function is performed on behalf of the account-holder.

(3) The following persons cannot be appointed under paragraph (1)—

- (a) an individual who is an account provider or is concerned in the ownership of an account provider;
- (b) an individual who is employed by, or provides services as a self-employed person to, an account provider;
- (c) an individual who provides qualifying childcare for a child of the account-holder.

(4) A person may be appointed under paragraph (1) to manage not more than 5 childcare accounts at any one time (whether or not on behalf of the same account-holder).

(5) A person appointed under paragraph (1) cannot make a declaration of eligibility on behalf of the account-holder.

(6) Paragraphs (4) and (5) do not apply to the partner of the account-holder.

Opening a childcare account

11.—(1) An application to open a childcare account must—

- (a) be in the form specified by HMRC;
- (b) be made and sent to HMRC in accordance with regulation 20;
- (c) contain sufficient information to enable HMRC to identify the applicant, the applicant's partner (if any) and the child in respect of whom the account is to be held; and
- (d) contain the child benefit number, if the child has been the subject of an award of that benefit—
 - (i) to the applicant; or
 - (ii) not to the applicant, but the applicant knows or can reasonably ascertain the child benefit number.

(2) If the applicant or the applicant's partner is self-employed, the applicant must—

- (a) provide any unique taxpayer reference of the applicant or the applicant's partner; or
- (b) make a declaration that the applicant or the applicant's partner have registered as self-employed with HMRC.

(3) An applicant whose partner is self-employed in another EEA state must provide sufficient evidence to satisfy HMRC that the partner is carrying out self-employed work in that other EEA state.

Payments into a childcare account: variation of relevant maximum

12.—(1) If a child ceases to be a qualifying child during an entitlement period, the relevant maximum is determined in accordance with regulation 13.

(2) If an award of tax credit terminates in accordance with section 29(3) in a case within section 29(1)(b), the relevant maximum is determined in accordance with regulation 13 for the entitlement period in which the relevant day falls.

13. The relevant maximum is determined by the formula—

$$A \div 91 \times \text{£}2,000$$

where—

in a case within regulation 12(1), *A* is the number of days beginning on the first day of the entitlement period and ending on the last day of the week in which falls the 1st September following the child's eleventh birthday (or sixteenth birthday in the case of a disabled child);

in a case within regulation 12(2), *A* is the number of days beginning on the relevant day and ending on the last day of the entitlement period.

14.—(1) HMRC may provide that, in any of the circumstances specified in paragraph (2)(a) to (e), the relevant maximum for an entitlement period is an amount determined in accordance with paragraph (3).

(2) The circumstances specified in this paragraph are—

- (a) an appealable decision under section 55(3)(a), (b), (c), (e) or (h) (appealable decisions) is varied or cancelled on a review under section 56 (review of decisions);
- (b) an appealable decision under section 55(3)(a), (b), (c), (e) or (h) is quashed (wholly or partly) under section 59 (powers of tribunal);
- (c) a person has applied to open a childcare account but HMRC are unable to confirm eligibility solely because of a delay in the payment to the person, or to the person's partner, of—
 - (i) carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992(a); or
 - (ii) contributory employment and support allowance under section 1 of the Welfare Reform Act 2007(b);
- (d) in relation to a disabled child, an application is made to open a childcare account but HMRC are unable to grant the application solely because of a delay in the payment to the child of—
 - (i) disability living allowance;
 - (ii) personal independence payment; or
 - (iii) armed forces independence payment; or
- (e) a payment is prevented from being made into a childcare account because of a serious technical failure affecting—
 - (i) HMRC;
 - (ii) an account provider; or
 - (iii) a bank or provider of banking services.

(3) Where this regulation applies—

- (a) in a case within paragraph (2)(a) or (b), the relevant maximum for an entitlement period after the variation, cancellation or quashing of the appealable decision is increased by a proportion of the relevant maximum that would (but for the decision) have been available in the period between the date the decision was made and the date it is varied, cancelled or quashed;
- (b) in cases within paragraph (2)(c) or (d), the relevant maximum for an entitlement period after the delay is increased by a proportion of the relevant maximum that would (but for the delay) have been available for the period between the date of application for a childcare account and the date HMRC confirmed eligibility or granted the application;

(a) 1992 c. 4. Section 70 was amended, and the name of the allowance changed from Invalid care allowance to Carer's allowance, by S.I. 2002/1457.

(b) 2007 c. 5.

- (c) in a case within paragraph (2)(e), the relevant maximum for the entitlement period following the failure is increased by the relevant maximum that would (but for the failure) have been available.

(4) In this regulation and in regulation 15, references to carer's allowance, contributory employment and support allowance, disability living allowance, personal independence payment and armed forces independence payment include references to allowances and payments made under the law of another EEA state which are substantially similar in character to those allowances and payments.

(5) Paragraph (1) does not apply where the circumstance arising within paragraph 2(a) to (d) has been compensated by means of a payment made under regulation 15.

Compensatory payments

15.—(1) The circumstances specified in paragraph (2) and (3) are specified for the purposes of section 61(1) (compensatory payments).

(2) The circumstances specified in this paragraph are—

- (a) an appealable decision under section 55(3)(a), (b), (c), (e) or (h) is varied or cancelled on a review under section 56;
- (b) an appealable decision under section 55(3)(a), (b), (c), (e) or (h) is quashed (wholly or partly) under section 59;
- (c) a person has applied to open a childcare account but HMRC are unable to confirm eligibility solely because of a delay in the payment to the person, or to the person's partner, of—
 - (i) carer's allowance under section 70 of the Social Security Contributions and Benefits Act 1992(a);
 - (ii) contributory employment and support allowance under section 1 of the Welfare Reform Act 2007(b); or
- (d) in relation to a disabled child, an application is made to open a childcare account but HMRC are unable to grant the application solely because of a delay in the payment to the child of—
 - (i) disability living allowance;
 - (ii) personal independence payment; or
 - (iii) armed forces independence payment.

(3) The circumstances specified in this paragraph are—

- (a) the circumstances in paragraph (2)(c) are met but, at the time the payment is made the person is no longer an eligible person for a reason unrelated to the delay in payment; or
- (b) the circumstances in paragraph (2)(d) are met but the child dies during the period of delay in payment.

(4) Subject to paragraph (5), the maximum amount that may be paid to a person under section 61 (compensatory payments) is 20% of the amount spent on qualifying childcare during the period for which the account-holder has been deprived of the opportunity to receive top-up payments.

(5) This regulation does not apply to the extent that an amount of relevant maximum for an entitlement period has been increased under regulation 14 and top-up payments in respect of that increased amount have been made.

(6) A person claiming a compensatory payment must provide evidence to satisfy HMRC of the amount spent on qualifying childcare.

(a) 1992 c. 4. Section 70 was amended, and the name of the allowance changed from Invalid care allowance to Carer's allowance, by S.I. 2002/1457.

(b) 2007 c. 5.

(7) The “amount spent on qualifying childcare” in paragraph (4) and (6) means the amount spent which would have been a permitted payment, but for the circumstances specified in this regulation.

Account restriction orders

16.—(1) HMRC may make an account restriction order—

- (a) imposing a restriction under section 24(2)(a), if the condition specified in paragraph (2), (4) or (5) is met; or
- (b) imposing a restriction under section 24(2)(b), if the condition specified in paragraph (3) is met.

(2) The condition specified in this paragraph is—

- (a) an amount has been assessed and notified to a person under section 40 or 46; and
- (b) some or all of the amount assessed has not been paid to HMRC by the time specified in section 40(5) or 46(4).

(3) The condition specified in this paragraph is—

- (a) HMRC have reasonable grounds to suspect that fraudulent payments are to be made from a childcare account; and
- (b) HMRC have reasonable grounds to believe that the top-up payments will be lost from the account if it is not restricted.

(4) The condition specified in this paragraph is—

- (a) a person (“P”) wishes—
 - (i) to open a childcare account in respect of a child; or
 - (ii) to make a declaration of eligibility in relation to a childcare account held in respect of a child; and
- (b) P is prevented from so doing because another person holds an active childcare account in respect of the child.

(5) The condition in this paragraph is that section 34(1), 35(1), 36(1) or 37(1) applied in relation to an account-holder or the partner of an account-holder.

(6) In a case within paragraph (4), the person who wishes to open a childcare account may apply to HMRC for an account restriction order to be made in relation to the active childcare account.

(7) An account restriction order—

- (a) may impose a restriction on the account for the period specified in the order;
- (b) may provide that the restriction does not apply in circumstances specified in the order.

(8) HMRC may revoke an account restriction order—

- (a) if they consider it is no longer required; or
- (b) if—
 - (i) the period for applying for a review of, or for bringing an appeal against, the order has elapsed;
 - (ii) the circumstances of the account-holder have changed since that period elapsed; and
 - (iii) the account-holder has applied for its revocation.

Closure of a childcare account

17.—(1) HMRC may close a childcare account if—

- (a) two years have elapsed since the end of the last entitlement period for which there was a valid declaration of eligibility; or
- (b) one year has elapsed since the end of the entitlement period during which the child ceased to be a qualifying child.

(2) On closure of the account—

- (a) the top-up element of the funds remaining in the account, calculated in accordance with section 21 (calculating the top-up element of payments etc), must be paid to HMRC; and
- (b) the relevant percentage of the total funds in the account at that time, calculated in accordance with section 22 (withdrawals), must be returned to the account-holder.

(3) Where an account holder has died, the relevant percentage to be returned under paragraph (2)(b) must be paid to the account-holder's personal representatives.

Power to obtain information or documents

18.—(1) A notice (an “information notice”) under section 26(1) (power to obtain information of documents) may be addressed to, and may require information or documents from, any of the following persons—

- (a) a childcare account-holder or applicant;
- (b) a person named as partner of an account-holder or applicant in a declaration of eligibility or application;
- (c) an agent of a person specified in sub-paragraph (a) or (b);
- (d) a childcare provider who has provided childcare to an account-holder or has received a topped-up payment from a childcare account;
- (e) an employer of an account-holder or applicant;
- (f) an employer who provides a relevant childcare scheme within the meaning in section 12(2) and any person providing services to the employer in connection with the provision to employees of such a scheme;
- (g) a person or body of persons who HMRC reasonably expect can provide information or documents relevant to an allegation of, or an inquiry into, non-compliance with the Act.

(2) An information notice must specify—

- (a) a concise statement of the reason why HMRC are requesting the information or documents;
- (b) the information or documents required and the form in which they are to be provided; and
- (c) the period within which the person must provide the information or documents.

(3) The period in paragraph (2)(c) must be at least 30 days from the date on which the notice is issued.

Disqualification orders: meaning of “relevant benefit”

19. For the purposes of section 48 (disqualification orders), a “relevant benefit” is—

- (a) any “disqualifying benefit” within the meaning given in section 6A(1) of the Social Security Fraud Act 2001(a);
- (b) any benefit, payment, allowance, pension or credit made under the law of another EEA state which is substantially similar in character to those specified in paragraph (a).

Requirement to make applications and declarations electronically

20.—(1) Except as provided in paragraph (2), the following forms required by the Act must be completed and sent to HMRC by electronic communications—

- (a) an application to open an account;
- (b) a declaration of eligibility.

(a) 2001 c. 11. Section 6A(1) has been amended by section 117(2) of, and paragraph 57 of Schedule 2 and paragraph 46 of Schedule 9 to, the Welfare Reform Act 2012.

(2) The forms specified in paragraph (1) are not required to be made and sent to HMRC by electronic communications by a person if HMRC are satisfied that—

- (a) the person has been prevented, by a court order, from sending those forms by electronic communications;
- (b) the person's beliefs are incompatible with the use of electronic communications; or
- (c) the person is unable to send documents by electronic communications by reason of—
 - (i) age;
 - (ii) disability;
 - (iii) inability to operate a computer effectively in a manner that cannot be remedied by the use of assisted digital services; or
 - (iv) living in a remote location so that it is not reasonably practicable to use electronic communications.

(3) Any application or declaration made by a person to whom paragraph (2) applies must be made in the manner specified by HMRC.

	<i>Name</i>
	<i>Name</i>
Date	Two of the Commissioners for Her Majesty's Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the administration of childcare accounts and top-up payments made under the Childcare Payments Act 2014 (c. **) ("the Act") and for other procedural matters in relation to the childcare payments scheme.

Regulations 1 and 2 provide for citation, commencement and interpretation.

Regulation 3 prescribes qualifying childcare for the purposes of the scheme, including provisions for such childcare in Scotland, Wales, Northern Ireland and for overseas childcare provided by accredited organisations. It also prescribes that care provided by parents themselves, close relatives or foster parents are not qualifying childcare.

Regulations 4 and 5 provide for entitlement periods, including when a period begins and ends, when its length can be varied and also the variation of the relevant maximum for qualifying payments under the scheme where a period has been varied.

Regulations 6 and 7 provide for declarations of eligibility. They specify the time for making a declaration and when it will be determined as valid by HMRC. In cases of declarations made late, the relevant maximum may be varied.

Regulations 8 to 10 provide for circumstances where the eligible person under the scheme is unable to act and another person may be appointed to act on their behalf in relation to the opening and running of a childcare account. An account-holder may appoint another person to act on their behalf.

Regulation 11 provides for the form and procedure for opening a childcare account, including the information required to be provided to HMRC.

Regulation 12 to 14 provide for various circumstances in which the relevant maximum for an entitlement period may be varied. These include where a child ceases to be a qualifying child and cases where there has been delay in payment of an allowance affecting eligibility, or a serious technical failure affecting childcare account payments.

Regulation 15 prescribes the circumstances where a compensatory payment under section 61 of the Act may be made, many of which are similar to those in which a relevant maximum may be varied, giving some measure of choice to the account-holder who has been disadvantaged.

Regulation 16 provides for circumstances where HMRC may make an account restriction order, whose effect is to restrict payments into or from a childcare account.

Regulation 17 provides the circumstances in which a childcare account may be closed by HMRC, including how funds remaining in the account should be repaid.

Regulation 18 provides for information notices. It specifies to whom such notices may be sent, what information may be required by the notice and the minimum time the addressee has to reply.

Regulation 19 defines “relevant benefit” for the purposes of a disqualification order made under section 48 of the Act.

Regulation 20 provides that applications to open an account and declarations of eligibility must be sent to HMRC electronically, except in specified circumstances.

A full Impact Assessment of the effect that the childcare payments scheme will have on the costs of business and the voluntary sector is available from the gov.uk website at <https://www.gov.uk/government/publications/tax-free-childcare-impact-assessment>. It remains an accurate summary of the impacts that apply to this instrument.