

TÚSLA

An Ghníomhaireacht um
Leanaí agus an Teaghlach
Child and Family Agency

**EARLY
YEARS**
INSPECTORATE

Guidance for the Early Years Sector on Statutory Notices and Orders

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1. Introduction

1.1. Who is this guidance for?

This guidance document has been developed by Tusla's Early Years Inspectorate and is intended to provide information and guidance to Registered Providers of Early Years Services (including childminders), and management and staff in Early Years Services on Statutory Notices and Orders. It will also provide information to parents and stakeholders on the Early Years Inspectorate's range of enforcement.

1.2. What is the guidance document about?

Tusla's Early Years Inspectorate is the independent statutory regulator for Early Years Services. This includes pre-school, school age services, and childminders. In September 2024, the [Child Care Amendment Act 2024](#) was enacted, and this amended the Child Care Act (1991) to provide some new powers to the Early Years Inspectorate.

This guidance document provides an overview of these statutory powers; it looks at what each power means for Early Years Services, and how Registered Providers should respond to the new powers. It will support providers, staff in Early Years Services and support organisations, and parents/guardians, who may have general queries and concerns. The document also signposts to supports and information when responding to an order or notice.

Disclaimer: This document is not intended as a legal interpretation of enforcement powers. Registered Providers should seek independent legal advice where appropriate/necessary.

2. Legislative and Regulatory Changes

The [Childcare Amendment Act \(2024\)](#) gave Tusla's Early Years Inspectorate new legal powers. These powers include registering and inspecting childminders, and stronger authority to enter and inspect Early Years Services. From March 30th, 2026, the Early Years Inspectorate will use these powers to serve statutory notices on Registered Providers.

The Inspectorate can also apply to the courts for statutory orders where these are required, as provided for in the [Act](#). There is a table on page 4 which sets out a summary of these statutory enforcement powers, and each of the powers is further explained in [Section 3](#).

We encourage you to read the full text of the [Act](#), and we have included section numbers to assist you in finding relevant parts of the Act. For convenience, we have also included the relevant legislative text in [Appendix 4](#) of this document.

Summary of Enforcement Powers

Section 58JA of the Child Care Act 1991 as amended

Improvement Notice

- Issued where there is a significant concern identified
- If the issue is allowed to continue, it will/is likely to pose a risk of harm



Improvement Order

- A Court Order if the Improvement Notice is not complied with

Section 58JB of the Child Care Act 1991, as amended

Immediate Action Notice

- Where there is an issue that poses an immediate risk of harm
- Immediate Action is required to address the risk



Immediate Action Order

- A Court Order if the Immediate Action Notice is not complied with

Section 58JC of the Child Care Act 1991, as amended

Temporary Prohibition Order

- Issue poses an immediate and grave risk to the health, safety or welfare of children

Section 58JD of the Child Care Act 1991, as amended

Closure Order

- A Court Order if a Temporary Prohibition Order is not complied with
- Closure of a service operating without registration

3. Understanding Statutory Notices and Orders

This section explains each of the enforcement powers in simple terms.

It is important to note that the Early Years Inspectorate will always use these powers fairly and proportionately, and with children's safety and well-being as the top priority.

3.1 Improvement Notice and Improvement Order

Improvement Notice: A written notice that may be served on a Registered Provider or the Person In Charge of an Early Years Service by an authorised person from the Early Years Inspectorate.

This Notice will be issued where the Inspector identifies ***a matter of significant concern that in their opinion, will or is likely to pose a risk of harm to a child if the matter is not addressed.***

An Improvement Notice will:

- Identify the issue of concern,
- Require that the Registered Provider acts to address the issue of concern,
- Specify a time limit to address the issue.

See [Appendix 1](#) for a sample Improvement Notice

Note: An Improvement Notice cannot be appealed and must be complied with. The terms of the Notice may be varied if this is determined by the Inspectorate to be appropriate.

Improvement Order: If the Registered Provider does not address the issue appropriately and within the timeframe specified in the Improvement Notice, the Inspectorate can apply to the District Court for an Improvement Order, which will compel the service to address the issue.

3.2 Immediate Action Notice and Immediate Action Order

Immediate Action Notice: A written notice that may be served on a Registered Provider or the Person In Charge of an Early Years Service by an authorised person from the Early Years Inspectorate. This Notice will be issued where an Inspector is of the opinion ***that immediate action is required in order to address an issue that poses an immediate risk of harm to a child.***

An Immediate Action Notice will:

- Identify the issue,
- Require that the Registered Provider acts immediately to address the issue,
- Specify a time limit to address the issue.

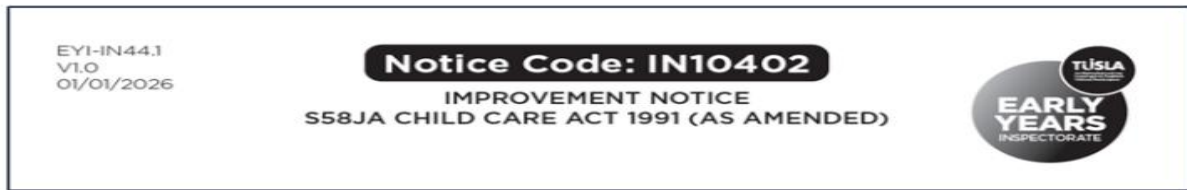
See [Appendix 2](#) for a sample Immediate Action Notice.

Note: An Immediate Action Notice cannot be appealed and must be complied with. The terms of the Notice may be varied if this is determined by the Inspectorate to be appropriate.

Immediate Action Order: If the Registered Provider does not address the issue within the timeframe specified in the Immediate Action Notice, the Inspectorate can apply to the District Court for an Immediate Action Order, which will compel the service to address the issue.

3.3 Information contained in a Notice

3.1.1 All Notices will have a unique Notice Code at the top, at centre of the page



3.1.2 The Inspector will detail the issue identified on the Notice.

The authorised person has identified/formed the opinion in exercising his or her powers under S58J of the aforementioned Act relating to a premises in which a registered provider is providing a prescribed early years service that there is **an issue of significant concern** that is of such a nature that if it persists it will, or is likely to, pose a risk of harm to a child attending the service the details of which are as follows;

Contrary to safe sleep guidance, a child aged 18 months was observed to be sleeping in a buggy at 10.20am in the toddler room.

3.1.3 The timeline within which the Registered Provider must address the issue will be set out in the Notice.

3.4 Temporary Prohibition Order

A Temporary Prohibition Order is a written notice issued by the Inspectorate and served on a Registered Provider or the Person In Charge of an Early Years Service when we are of the opinion that an Early Years Service must close temporarily. A Temporary Prohibition Order will only be issued if the Inspectorate is of the opinion that there is an **immediate and grave risk to the health, safety, or welfare of children should the service continue to operate**.

The Inspectorate can temporarily close a service for up to 6 weeks (extendable to 12 weeks). The service can only reopen once the Inspectorate is satisfied that the matter of concern has been fully resolved.

The decision to issue a temporary prohibition order will be made by Children's Services Regulation senior management and notified to the Tulsa Board.

A Temporary Prohibition Order will:

- Identify the issue(s) of concern
- Will require that the service remains closed until all issues are remedied.
- Will specify the length of time that the service must remain closed. The initial closure may be for a maximum of six weeks but may be extended at the discretion of Tulsa up to a maximum of 12 weeks.

A Temporary Prohibition Order will be accompanied by an explanatory letter, when served.

Failing to comply with a Temporary Prohibition Order will be an offence.

3.5 Closure Order

The District Court can permanently close a service if it fails to comply with a Temporary Prohibition Order by operating whilst under an Order, or by failing to remedy the matters specified in the Order.

The Inspectorate may also apply to the District Court to close a service that is operating without registration.

3.6 Publication of Decisions

The enforcement powers allow for the publication of notices and orders. Decisions that are included for publication are:

- Removal of a Registered Provider from the register
- Attachment, amendment, or revocation of a condition attached to a registration
- Issuing of an improvement notice
- Granting of an improvement order
- Issuing of an immediate action notice
- Granting of an immediate action order
- Issuing of a temporary prohibition order
- Granting of a closure order

Publication of the decisions listed above will be via the Inspection Report, the Inspectorate website, or both. See also Section [5.3](#)

4. Garda Vetting and Police Vetting

The Inspectorate will use Notices/Orders to ensure compliance with Garda Vetting and international Police Vetting requirements in some situations.

Examples of situations where Notices may issue:

- Incomplete or unavailable Garda Vetting documentation for adults in the service with access to children,
- Incomplete or unavailable International Police Vetting documentation (where appropriate) for adults in the service with access to children,
- The Inspector cannot verify a vetting document because it has not been translated into Irish/English by a certified translator,
- The Inspector cannot verify that a person with access to children requires Garda and/or Police Vetting, due to an incomplete or unavailable written record of employment such as a CV.

A summary of the responsibilities of the Registered Provider in respect of Garda and International Police Vetting is set out in [Appendix 3](#).

5. Serving Notices and Temporary Prohibition Orders

5.1 Who will be served?

Notices and Temporary Prohibition Orders may be served on:

- The Registered Provider if that person is on-site or,
- The Person In Charge or,
- The Deputising Person In Charge

5.2 How will Notices be served?

A Notice will be served in person. The Notice will be personally served by the Early Years Inspector or Authorised Person to:

- The Registered Provider if on-site or,
- The Person In Charge or,
- The Deputising Person In Charge.

Notices may also be served post-inspection by registered post. If this is the case the authorised person will contact the Registered Provider/the Person In Charge to explain the issue identified and the reason for the notice being served.

5.3 Reporting a Notice in an Inspection Report

If a Notice has been served, this will be reported in the Inspection Report. A regulation will be reported as non-compliant if a Notice was issued which relates to that regulation (see example below).

Non-Compliance Information

2(c) See Statutory Notice section in relation to Immediate Action Notice IAN0026 served.

The detail of the Notice will be set out in a dedicated Statutory Notices Section of the report (see example below).

Statutory Notices		
Notice	Date Served	Detail
Immediate Action Notice IAN0122	22/01/2026	A child was observed at 11.15 am playing with a blind cord which was unsecured in the Toddler room.
Status	Action was taken by the Registered Provider immediately following service of the Notice and the provider submitted a written response with detailed corrective and preventative actions which were accepted by the Inspectorate.	
Improvement Notice IN00056	22/01/2026	Contrary to safe sleep guidance, a child aged 18 months was observed to be sleeping in a buggy at 10.20 am in the toddler room.
Status	The Registered Provider submitted a response detailing the actions taken within the timeframe. The actions as detailed by the Registered Provider were accepted by the Inspectorate	

5.4 How will Temporary Prohibition Orders be served?

A Temporary Prohibition Order may be served in person on the Registered Provider or Person In Charge of the Early Years Service. An Inspector may serve the Order, or they may arrange to have the Temporary Prohibition Order served by another person.

The Order may be handed to the Registered Provider or Person In Charge. This will be followed by a copy of the order and other correspondence being sent by registered post and email to the Registered Provider's supplied address, as listed on the Register of Early Years Services.

6. How to respond to a Statutory Notice

If an Improvement or Immediate Action Notice is served on the Registered Provider of an Early Years Service or the Person In Charge, it is important that they take the time to read the details contained in the notice. The notice will clearly set out the issue of concern, will require that action is taken and will state the timeframe for the completion of the required action(s).

In relation to Improvement or Immediate Action Notices, it is the responsibility of the Registered Provider to determine the appropriate actions required to address the issue of concern, and to then implement the required action(s) within the timeframe given in the Notice. Advice and supports to develop and implement the action plan can be sought from:

- [City and County Child Care Committees](#)
- Another representative or support agency as determined by the Registered Provider (example Better Start).
- The Registered Provider may also seek legal advice if they wish to do so.

Once the action plan is developed and implemented in the service, a written response will be required on a Response to Statutory Notice form. In cases where more than one Notice is served on inspection, a separate Response to Statutory Notice form should be submitted to each Notice.

Note: The Notice is not subject to the Corrective and Preventive Action (CAPA) process, as it is responded to through the Response to Statutory Notice Form.

The Response to a Statutory Notice form will have been issued to the Registered Provider by password protected email following the service of the Notice. The Response to Statutory Notice form allows the Registered Provider to set out the corrective and protective actions they have/are taking to address the issue identified on the Notice and will contain information on how to submit the form. Once submitted, the response will be assessed by the Inspector to determine if the actions taken are acceptable to address the issue specified in the notice. See example below.

Notice Code: IAN10042

Notice Code

Response to Statutory Notice

Completed by Registered Provider		Office use only
1. Corrective Action and Preventive Action (Using SMART: Specific, Measurable, Achievable, Realistic and Timely)	2. Evidence Submitted (e.g. photo, policy, etc.)	3. Response Accepted
What corrective actions have you taken to address the issue identified on the statutory notice? Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
What preventive actions are you taking to prevent the issue identified on the statutory notice reoccurring? Click or tap here to enter text.	Click or tap here to enter text.	Choose an item.
(For office use only): Rationale for why the response has not been accepted.	Click or tap here to enter text.	

Corrective Action

Preventive Action

Evidence of Actions

6.1 Timeframe for response

The timeframe for the response will have been determined by the Inspector as appropriate for resolving the issue of concern and is noted on the Notice.

7. Responding to a Temporary Prohibition Order

If the Registered Provider of an Early Years Service is served with a Temporary Prohibition Order following a decision that there is **immediate and grave risk to the health, safety, or welfare of children should the service continue to operate**, the service must close in line with the specified period of time (up to 6 weeks) that is stated on the Order.

The Registered Provider will be required to inform the Inspectorate in writing when and how the issues of concern have been addressed. The Inspectorate may confirm that these actions have been undertaken as appropriate. If it cannot be confirmed that the issues of concern have been addressed appropriately, the Inspectorate may consider extending the Temporary Prohibition Order for a maximum of another 6 weeks.

The service **must not operate** when the Temporary Prohibition Order is in place, even in the Registered Provider is of the opinion that the issue(s) have been dealt with. However, if the Inspectorate is satisfied that all issues identified in the Temporary Prohibition Order have been remedied before the ending of the Temporary Prohibition Order, the National Registration Enforcement Panel may consider that the Temporary Prohibition Order has been complied with, and the service can reopen.

8. Supports and Resources

There are a number of supports and resources that Registered Providers can draw on to support engagement with the new enforcement powers.

[Early Years Inspectorate Enforcement](#) web page & resources.

[Department of Children, Disability and Equality](#)

[City and County Child Care Committees](#)

You can also contact rpdd@tusla.ie with general queries, not related to a specific notice or order that has been served.

8.1 Appendix 1: Sample Improvement Notice

EYI-IN443 V1.0 01/01/2026	<div style="border: 1px solid black; border-radius: 10px; padding: 5px; display: inline-block;"> Notice Code: IN 0001 </div>	
IMPROVEMENT NOTICE S58JA CHILD CARE ACT 1991 (AS AMENDED)		
Registered Provider: _____		Tusla Number: _____
Service Address: _____		
Service Name: _____		Inspection Date: _____
The authorised person has identified/formed the opinion in exercising his or her powers under S58J of the aforementioned Act relating to a premises in which a registered provider is providing a prescribed early years service that there is an issue of significant concern that is of such a nature that if it persists it will, or is likely to, pose a risk of harm to a child attending the service the details of which are as follows:-		
<div style="font-size: 48px; color: lightblue; opacity: 0.5; transform: rotate(-15deg);"> SAMPLE </div>		
You are hereby required on or before the _____ day of _____ 20____ by _____ am/pm to undertake action to address the risk identified.		
You should submit a written response with evidence of the actions undertaken by you to address the identified risk to: _____ @tusla.ie		
Should you fail to comply with this Notice on or before the _____ day of _____ 20____ by _____ am/pm we reserve the right to proceed with an application for an Improvement Order pursuant to S58JA(5) of the Child Care Act 1991(as amended).		
Signed: _____		Dated: _____ day of _____ 20____
Details to be completed on Duplicate Copy where appropriate		
Confirmation of Notice Served: This Notice was served by _____ at _____ am/pm on _____ personally/registered post on the _____ day of _____ 20____ Signed: _____		
In instances where Notice is Withdrawn:	Notice Withdrawn:- _____ day of _____ 20____	
In instances where Notice is Varied:	Notice Varied by Letter dated:- _____ day of _____ 20____	

8.2 Appendix 2: Sample Immediate Action Notice

EYI-IAN45.1
V1.0
01/01/2026

Notice Code: IAN 0001

IMMEDIATE ACTION NOTICE
S58JB CHILD CARE ACT 1991 (AS AMENDED)



Registered Provider: _____ Tusla Number: _____

Service Address: _____

Service Name: _____ Inspection Date: _____

The authorised person has identified/formed the opinion in exercising his or her powers under S58J of the aforementioned Act relating to a premises in which a registered provider is providing a prescribed early years' service that immediate action is required by the registered provider to address an issue that poses an **immediate risk of harm** to a child attending the service the details of which are as follows:-

SAMPLE

You are hereby required on or before the _____ day of _____ 20____ by _____ am/pm to undertake immediate action to address the risk identified.

You should submit a written response with evidence of the actions undertaken by you to address the identified risk to: _____ @tusla.ie

Should you fail to comply with this Notice on or before the _____ day of _____ 20____ by _____ am/pm we reserve the right to proceed with an application for an immediate action Order pursuant to S58JB(5) of the Child Care Act 1991 (as amended).

Signed: _____ Dated: _____ day of _____ 20____

Details to be completed on Duplicate Copy where appropriate	
Confirmation of Notice Served:	
This Notice was served by _____ at _____ am/pm on _____ personally/registered post on the _____ day of _____ 20____ Signed _____	
In instances where Notice is Withdrawn:	Notice Withdrawn:- _____ day of _____ 20____
In instances where Notice is Varied:	Notice Varied by Letter dated:- _____ day of _____ 20____

8.3 Appendix 3: Garda and Police Vetting - Key Requirements

Garda Vetting is required where a Registered Provider, an employee, unpaid worker, contractor or a board member has access to children.

- Garda Vetting must be renewed within every three years of initial receipt, in line with the Regulatory Notice ([EYI-RN12.3](#)).
- It is the responsibility of the Registered Provider to ensure that the Garda Vetting disclosure is assessed with regard to suitability of an individual to work/have access to children, in an early years setting.
- Evidence of Garda Vetting must be available to the Early Years Inspectors on the day of an inspection.
- Garda Vetting cannot be transferred from a previous employer/organisation.
- Garda Vetting obtained by a university for a student will be accepted, however only for the hours of the student's placement, in line with Tusla's [guidance document](#) on vetting for students.

International Police Vetting is required where a Registered Provider, an employee, unpaid worker, contractor or a board member with access to children has lived outside of the island of Ireland for more than 6 consecutive months as an adult.

- Police Vetting (where required) is undertaken by the individual and given to the employer.
- There are a very small number of countries where Police Vetting is currently unobtainable, and this will be kept under review by the Inspectorate. However, most countries have systems in place to issue Police Vetting documentation.
- Police Vetting documentation not in English/Irish must be translated by a certified translator and be available in the service.
- Only in very exceptional circumstances, and when accompanied by evidence that the person has exhausted all possible routes to obtaining vetting from a specific country, will the absence of Police Vetting be considered acceptable by the Early Years Inspectorate.

8.4 Appendix 4: Legislative Text

Improvement Notice and Improvement Order under section 58JA of [the Act](#)

58JA. (1) *Where an authorised person is of the opinion, following the exercise of any of his or her powers under section 58J relating to a premises in which a registered provider is providing a prescribed early years service, that there is an issue of significant concern that is of such a nature that if it persists it will, or is likely to, pose a risk of harm to a child attending the service, he or she may issue a Notice (in this Part referred to as an ‘improvement Notice’).*

(2) *An improvement notice shall—*

- (a) identify the issue of significant concern giving rise to the risk referred to in subsection (1),*
- (b) require that action be taken to address the issue referred to in paragraph (a) and, if appropriate, specify the nature or details of such remedial action, and*
- (c) specify a time limit by which the action referred to in paragraph (b) is to be completed or implemented by the registered provider.*

(3) *An improvement notice shall be served on the registered provider of the prescribed early years service to which it relates or the person in charge of the premises from which that service is provided and shall be effective immediately or, as appropriate, from a date specified in the notice.*

(4) *An improvement notice may be varied or withdrawn.*

Improvement Order under section 58JA of [the Act](#):

5) *Where an improvement notice has not been complied with or the authorised person has reasonable grounds to believe that it has not been complied with, the Agency may apply to the District Court for an improvement order.*

(6) *A judge of the District Court may, on application in that behalf by the Agency, where the judge is of the opinion that an improvement notice has not been complied with or that there are reasonable grounds for the authorised person’s belief that it has not been complied with, make an order (in this Part referred to as an “improvement order”) directing the registered provider to comply with the improvement notice.*

(7) *An improvement order shall specify:*

- (a) the action required to be taken by the registered provider,*
- (b) a time limit by which the action referred to in paragraph (a) is to be completed or implemented by the registered provider, and*
- (c) such other requirement, if any, as the court may consider appropriate.*

Immediate Action Notice and Immediate Action Order under 58JB of [the Act](#)

58JB (1) *Where an authorised person is of the opinion, following the exercise of any of his or her powers under section 58J relating to a premises in which a registered provider is providing a prescribed early years service, that immediate action is required by the registered provider in order to address an issue that poses an immediate risk of harm to a child attending the service, he or she may issue a Notice (in this Part referred to as an ‘immediate action Notice’)*

(2) An immediate action notice shall—

- (a) identify the issue that poses an immediate risk of harm referred to in subsection (1),
- (b) require that action be taken to address the issue referred to in paragraph (a) and, if appropriate, specify the nature or details of such remedial action, and
- (c) specify a time limit by which the action referred to in paragraph (b) is to be completed or implemented by the registered provider.

(3) An immediate action notice shall be served on the registered provider of the prescribed early years service to which it relates or the person in charge of the premises from which that service is provided and shall be effective immediately or, as appropriate, from a date specified in the notice.

(4) An immediate action notice may be varied or withdrawn.

Immediate Action Order under section 58JB of [the Act](#)

(5) Where an immediate action notice has not been complied with or the authorised person has reasonable grounds to believe that it has not been complied with, the Agency may apply to the District Court for an immediate action order.

(6) A judge of the District Court may, on application in that behalf by the Agency, where the judge is of the opinion that an immediate action notice has not been complied with or that there are reasonable grounds for the authorised person's belief that it has not been complied with, make an order (in this Part referred to as an "immediate action order") directing the registered provider to comply with the immediate action notice.

(7) An immediate action order shall specify—

- (a) the action required to be taken by the registered provider,
- (b) a time limit by which the action referred to in paragraph (a) is to be completed or implemented by the registered provider, and
- (c) such other requirement, if any, as the court may consider appropriate.

Temporary Prohibition Order under new section 58JC of [the Act](#)

(1) Where an authorised person is of the opinion that the continued provision of a prescribed early years service poses an immediate and grave risk to the health, safety or welfare of children attending the service, he or she may, subject to subsection (2), serve, or arrange to have served, on the registered provider or person in charge of the service a notice (in this Part referred to as a "temporary prohibition order") stating that he or she is of that opinion and the temporary prohibition order shall—

- (a) state that the authorised person is of the opinion that the provision of the service should be prohibited for a specified period not exceeding 6 weeks,
- (b) specify the matters which in his or her opinion give rise to the said risk, and
- (c) direct that the provision of the service be prohibited unless and until the matters specified under paragraph (b) have been remedied.

(2) Before serving a temporary prohibition order under subsection (1), an authorised person shall consult with the chief executive officer or such other employee of the Agency designated in that behalf by the chief executive officer.

(3) A temporary prohibition order shall take effect—

(a) where it so declares, immediately on and from the date that the order is received by the person on whom it is served, or

(b) in any other case—

(i) where no appeal is taken against the order, on the expiration of the period during which such an appeal may be taken or the day specified in the order as the day on which it is to come into effect, whichever is the later, or

(ii) in case such an appeal is taken, on the day next following the day on which the order is confirmed on appeal or the appeal is withdrawn or the day specified in the order as that on which it is to come into effect, whichever is the later.

(4) The chief executive officer or such other employee of the Agency designated in that behalf by the chief executive officer may vary or withdraw a temporary prohibition order.

(5) The Board of the Agency shall be notified at its next available meeting of the service under subsection (1) of a temporary prohibition order or any variation or withdrawal of such an order under subsection (4).

(6) Where an authorised person is of the opinion that the matters specified under subsection (1)(b) have not been remedied, the authorised person may extend the period during which the temporary prohibition order shall have effect by such further period as he or she considers necessary for the purpose for which the order was issued, provided that the total period during which an order to which this subsection applies shall have effect shall not exceed 12 weeks.

(7) Subsections (1) to (5) shall apply to a decision under subsection (6) to extend the period of temporary prohibition order as they apply to a decision to issue a temporary prohibition order and a reference in those subsections to such an order shall be construed as a reference to an order that is extended under subsection (6).

(8) In this section, "chief executive officer" means the person appointed under section 28 of the Child and Family Agency Act 2013 to be the chief executive officer of the Agency.

Appeal against Temporary Prohibition Order under 58F of [the Act](#)

(2A) A registered provider may, within 7 days of the date on which a temporary prohibition order is served on him or her, appeal to the District Court against the decision to issue the order.

(2B) The bringing of an appeal under subsection (2A) against a temporary prohibition order which is to take effect in accordance with section 58JC(3)(a) shall not have the effect of suspending the operation of the order.

(2C) Without prejudice to subsection (2B), a person who brings an appeal under subsection (2A) against a temporary prohibition order may apply to the District Court to have the operation of the order suspended until the appeal is withdrawn or determined and, on such application, the court may, if it thinks proper to do so, direct that the operation of the order be suspended until the appeal is withdrawn or determined.

*(2D) The court may, on an appeal under subsection (2A)—
(a) confirm the temporary prohibition order, with or without modification, or
(b) cancel the temporary prohibition order.]*

(3) The jurisdiction conferred on the District Court by F357[this section and sections 58JA, 58JB and 58JD] shall be exercised by the judge of the District Court for the time being assigned to the district court district in which the premises in which the registered provider provides the prescribed early years service, or the premises in which it is proposed that an applicant shall provide a prescribed early years service, is situated.

Closure Order under section 58JD of [the Act](#)

(1) The Agency may apply to the District Court for an order prohibiting the continuance of the provision of an early years service (in this Part referred to as a "closure order") where—

(a) a temporary prohibition order has been served on the registered provider of the service and—

(i) activities are carried on in contravention of the order, or

(ii) the matters specified under paragraph (b) of section 58JC(1) have not been remedied before the expiry of the period during which the temporary prohibition order has effect,

Or

(b) the Agency has reason to believe that a person (in this Part referred to as a "relevant person") is providing a prescribed early years service and his or her name is not entered in the register as a provider of that service.

(2) An application for a closure order under subsection (1)(b) may be made ex parte.

(3) A closure order shall specify the ground for making it and such an order shall take effect—

(a) where the order so declares, upon receipt by the person on whom it is served, or

(b) in any other case—

(i) where no appeal is taken against the order, on the expiration of the period permitted under section 58JE(1) to appeal or the day specified in the order as the day on which it is to come into effect, whichever is the later, or

(ii) in case such an appeal is taken, on the day next following the day on which the order is confirmed on appeal or the appeal is withdrawn or the day specified in the order as the day on which it is to come into effect, whichever is the later.

(4) The District Court may, when granting a closure order, make such other order as it considers appropriate, including, on application by the Agency, an order directing a registered provider or relevant person, as the case may be, to provide the Agency with such particulars, including personal data, of parents and guardians of children attending the early years service in relation to which a closure order has been granted as are necessary and proportionate for the performance by the Agency of its functions under this Part.

(5) Where an application for a closure order under subsection (1)(b) is heard ex parte, the Agency shall notify the relevant person forthwith of the making of a closure order.

(6) Where a closure order has been made ex parte, the relevant person may apply, on notice to the Agency, to the District Court to have the order discharged.

(7) The District Court may, on application to it under subsection (6), discharge a closure order where the Court is satisfied that the discharge of the order is appropriate in the circumstances.

Appeal against closure order under 58JE of [the Act](#)

(1) A registered provider and a relevant person may, within 7 days of the date on which a closure order is served on him or her, appeal to the Circuit Court against the decision.

(2) The bringing of an appeal against a closure order shall not have the effect of suspending the operation of the closure order.

(3) On the hearing of the appeal, the Circuit Court may:

- (a) confirm the closure order, with or without modification, or*
- (b) cancel the closure order.*

Offences under Part VIIA 58K of [the Act](#)

(1) A person who—

(a) refuses to allow an authorised person to enter any premises in accordance with subsection (1) or (2) of section 58J or who obstructs or impedes an authorised person in the exercise of any of his powers under subsection (3), (3A) or (3B) of that section,

(b) contravenes a condition of registration under section 58D,

(ba) fails to comply with an improvement order,

(bb) fails to comply with an immediate action order,

(bc) fails to comply with a temporary prohibition order,

(bd) fails to comply with a closure order, or

(c) contravenes the requirements of this Part or of any regulations made thereunder, shall be guilty of an offence and shall be liable on summary conviction to a Class A fine.

(2) Where a person is convicted of an offence under this Part the court may, either in addition to or in substitution for the imposition of a fine, by order declare that the person shall be prohibited for such period as may be specified in the order from carrying on an early years service.

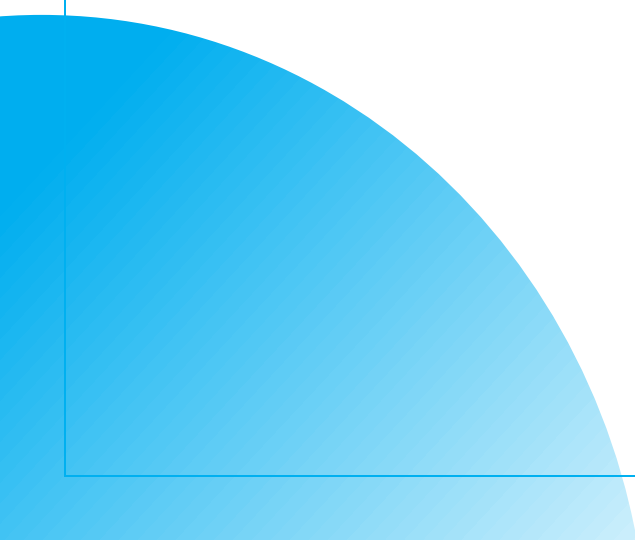
(3) A person who contravenes an order made under subsection (2) shall be guilty of an offence and shall be liable on summary conviction to a Class A fine or to imprisonment for a term not exceeding 12 months or both.

Publication of decisions under new section 58DA of [the Act](#)

(1) The Agency shall make such arrangement as the Agency considers appropriate and necessary to bring any matter specified in subsection (2) to the attention of the public where to do so is in the interests of the health, safety and welfare of children attending early years services.

(2) The following matters are specified for the purposes of subsection (1):

- (a) a decision under section 58D to remove the name of a registered provider from the register;*
- (b) a decision under section 58D to attach a condition, or amend or revoke a condition attached, to a registration;*
- (c) a decision to issue an improvement notice in respect of a prescribed early years service;*
- (d) the grant of an improvement order in respect of a prescribed early years service;*
- (e) a decision to issue an immediate action notice in respect of a prescribed early years service;*
- (f) the grant of an immediate action order in respect of a prescribed early years service;*
- (g) a decision to issue a temporary prohibition order in respect of a prescribed early years service;*
- (h) the grant of a closure order in respect of an early years service.*



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