

References to Health Service Executive in enactments made before establishment day

90. References (however expressed) to the Health Service Executive in any enactment or instrument under an enactment shall after the establishment day, insofar as they relate to a function transferred to the Agency by *section 82* unless the context otherwise requires, be construed as references to the Agency.

Transitional provisions consequent upon transfer of certain functions of Health Service Executive

91. Anything commenced by or under the authority of the Health Service Executive and not completed before the establishment day may, insofar as it relates to a function transferred to the Agency under *section 82*, be carried on or completed on or after the establishment day by the Agency.

PART 12

AMENDMENT OF CHILD CARE ACT 1991

Amendment of Child Care Act 1991

92. The Child Care Act 1991 is amended by the insertion of the following after Part VII:

"PART VIIIA

SUPERVISION OF EARLY YEARS SERVICES

Definitions for this Part

58A. In this Part—

'Agency' has the same meaning as it has in the *Child and Family Agency Act 2013*;

'arts' has the same meaning as it has in the Arts Act 2003;

'authorised person' means a person appointed under section 58I to be an authorised person for the purposes of this Part;

'competitive sport' has the same meaning as it has in the Irish Sports Council Act 1999;

'early years service' means a service providing—

(a) a pre-school service, or

(b) a school age service;

'pre-school child' means a child who has not attained the age of six years, and who is not attending a recognised school;

'pre-school service' means any pre-school, play group, day nursery, crèche, day-care or other similar service which caters for pre-school

children;

‘recognised school’ has the same meaning as it has in the Education Act 1998;

‘recreational sport’ has the same meaning as it has in the Irish Sports Council Act 1999;

‘register’ means the register established and maintained in accordance with section 58C;

‘school age child’ means a child who is attending a school age service;

‘school age service’ means any early years service, play group, day nursery, crèche, day-care or other similar service which—

- (a) caters for children enrolled in a recognised school providing primary education,
- (b) provides a range of activities that are developmental, educational and recreational in manner and which take place outside of school hours, and
- (c) the basis for access to which is made publicly known to the parents and guardians of the children referred to in paragraph (a) of this definition,

but excludes those services—

- (i) solely providing activities relating to—
 - (I) the Arts,
 - (II) youth work,
 - (III) competitive or recreational sport, or
 - (IV) tuition,or
- (ii) for whom statutory provision for inspection exists, prior to the commencement of this section;

‘youth work’ has the same meaning as it has in the Youth Work Act 2001.

Regulations

58B. (1) The Minister shall, after consultation with the Minister for Education and Skills and the Minister for the Environment, Community and Local Government, make regulations for the purpose of securing the health, safety and welfare and promoting the development of children attending early years services.

(2) Without prejudice to the generality of subsection (1), regulations may—

- (a) prescribe any matter or thing referred to in this Part as prescribed

