

**Changes to legislation:** Childcare Act 2006, Cross Heading: Children Act 1989 (c. 41) is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 2

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Children Act 1989 (c. 41)*

<sup>F1</sup>4 .....

#### Textual Amendments

- F1** Sch. 2 para. 4 omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **233**

5 [<sup>F2</sup>In the heading of Part 10A of the Children Act 1989 (child minding and day care for children in England and Wales), omit “England and”.]

#### Textual Amendments

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), **Sch. 2**; [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

#### Commencement Information

- I1** Sch. 2 para. 5 in force at 1.9.2008 by [S.I. 2008/2261](#), art. 2 (with Schs. 1, 2)

6 [<sup>F2</sup> In Part 10A of the Children Act 1989 (including Schedule 9A) for “the registration authority”, “a registration authority” or “the authority”, wherever occurring, substitute (in each case) “ the Assembly ” . ]

#### Textual Amendments

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), **Sch. 2**; [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

#### Commencement Information

- I2** Sch. 2 para. 6 in force at 1.9.2008 by [S.I. 2008/2261](#), art. 2 (with Schs. 1, 2)

7 [<sup>F2</sup> In section 79B of the Children Act 1989 (other definitions etc. )—

- (a) omit subsection (1),
- (b) for subsection (2) substitute—

“(2) In this Act “ the Assembly ” means the National Assembly for Wales. ”, and

- (c) for subsection (7) substitute—

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“(7) “Regulations ” means regulations made by the Assembly. ”]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

**Commencement Information**

**I3** Sch. 2 para. 7 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

8 <sup>[F2]</sup> In section 79C of the Children Act 1989 (regulations etc. governing child minders and day care providers), omit subsections (1), (4) and (5). ]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

**Commencement Information**

**I4** Sch. 2 para. 8 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

9 <sup>[F2]</sup>In section 79D of the Children Act 1989 (requirement to register)—  
 (a) for subsection (1) substitute—

“(1) No person shall act as a child minder in Wales unless he is registered under this Part for child minding by the Assembly.”,

(b) in subsection (4) omit the words “(whether the contravention occurs in England or Wales)”, and

(c) in subsection (5), after “premises” insert “ in Wales ” . ]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

**Commencement Information**

**I5** Sch. 2 para. 9 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

10 <sup>[F2]</sup>In section 79H of the Children Act 1989 (suspension of registration), omit subsection (3).]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

**Commencement Information**

**I6** Sch. 2 para. 10 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

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- 11 <sup>[F2]</sup> In section 79K of the Children Act 1989 (protection of children in an emergency), in subsection (1) after “registered” insert “ under this Part ” . ]

**Textual Amendments**

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

**Commencement Information**

- I7** Sch. 2 para. 11 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with Schs. 1, 2)

- 12 <sup>[F2]</sup>Omit sections 79N, 79Q and 79R of the Children Act 1989 (which relate only to England).]

**Textual Amendments**

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

**Commencement Information**

- I8** Sch. 2 para. 12 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with Schs. 1, 2)

- 13 <sup>[F2]</sup>In section 79S of the Children Act 1989 (general functions of the Assembly), in subsection (2) omit the words from “but the regulations” to the end of the subsection.]

**Textual Amendments**

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

**Commencement Information**

- I9** Sch. 2 para. 13 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with Schs. 1, 2)

- 14 <sup>[F2]</sup> In section 79U of the Children Act 1989 (rights of entry etc. ) in subsection (1) omit “England or” . ]

**Textual Amendments**

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with Schs. 2, 3)

**Commencement Information**

- I10** Sch. 2 para. 14 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with Schs. 1, 2)

- 15 <sup>[F2]</sup> In section 79V of the Children Act 1989 (function of local authorities), after “local authority” insert “ in Wales ” . ]

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**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I11** Sch. 2 para. 15 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 16 [<sup>F2</sup> In section 79W of the Children Act 1989 (requirement for certificate of suitability), in subsection (1) after “children” (in the first place where it occurs) insert “ in Wales ” . ]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I12** Sch. 2 para. 16 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 17 [<sup>F2</sup>In section 105 of the Children Act 1989 (interpretation) in subsection (5A)(b) omit “England and”.]

**Textual Amendments**

**F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, Sch. 1 (with [Schs. 2, 3](#))

**Commencement Information**

**I13** Sch. 2 para. 17 in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

- 18 [<sup>F2</sup>( 1 ) Schedule 9A to the Children Act 1989 (child minding and day care for young children) is amended as follows.

( 2 ) In the heading, after “children” insert “ in Wales ” .

( 3 ) In paragraph 1 (exemption of certain schools), in sub-paragraph (1)(c), omit “the Secretary of State or”.

( 4 ) In paragraph 4 (disqualification for registration)—

- (a) in sub-paragraph (1), after “day care” insert “ in Wales ” ,
- (b) in sub-paragraph (2)(f), after “Part XA” insert “ , or Part 3 of the Childcare Act 2006, ” ,
- (c) in sub-paragraph (3), after “day care” (in each place where it occurs) insert “ in Wales ” ,
- (d) in sub-paragraph (4), after “day care” (in each place where it occurs) insert “ in Wales ” , and
- (e) in sub-paragraph (5), after “day care” (in each place where it occurs) insert “ in Wales ” .

(5) In paragraph 5 (offences relating to disqualification)—

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- ( a ) in sub-paragraph (1)(a)—
  - (i) after “child minder” insert “ in Wales ” ,
  - (ii) after “child minding” insert “ in Wales ” ,
- ( b ) in sub-paragraph (1)(b) for “any of sub-paragraphs (3) to (5)” substitute “ sub-paragraph (4) or (5) ” , and
- ( c ) for sub-paragraph (2) substitute—

“(2) A person who contravenes sub-paragraph (4) of paragraph 4 shall not be guilty of an offence under this paragraph if—

- (a) he is disqualified for registration by virtue only of regulations made under sub-paragraph (3) of paragraph 4, and
- (b) he proves that he did not know, and had no reasonable grounds for believing, that he was living in the same household as a person who was disqualified for registration or in a household in which such a person was employed.”

- (6) In paragraph 6 (certificates of registration), in sub-paragraph (5)—
  - (a) in paragraph (a) for “(in England or in Wales)” substitute “ in Wales ” , and
  - (b) in paragraph (b) after “any premises” insert “ in Wales ” .

( 7 ) In paragraph 8 (co-operation between authorities), omit sub-paragraph (1).]

#### Textual Amendments

- F2** Sch. 2 paras. 5-18 repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 2](#); [S.I. 2010/2582](#), [art. 2](#), [Sch. 1](#) (with [Schs. 2, 3](#))

#### Commencement Information

- I14** Sch. 2 para. 18(1)-(4) (5)(a) (7) in force at 1.9.2008 by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))
- I15** Sch. 2 para. 18(5)(b)(c) in force at 1.9.2008 for E. by [S.I. 2008/2261](#), [art. 2](#) (with [Schs. 1, 2](#))

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 32(6) inserted by [2023 c. 55 Sch. 23 para. 2](#)
- s. 36(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 6\(2\)](#)
- s. 36(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 6\(5\)](#)
- s. 37(2A) inserted by [2023 c. 55 Sch. 23 para. 7\(4\)](#)
- s. 37A(1A) inserted by [2023 c. 55 Sch. 23 para. 8\(3\)](#)
- s. 45A(4C) inserted by [2016 c. 5 s. 3\(2\)\(a\)](#)
- s. 47ZA(3)(a) substituted by [2016 c. 5 s. 3\(2\)\(b\)](#)
- s. 54(1)(a) words substituted by [2023 c. 55 Sch. 23 para. 11\(3\)\(a\)](#)
- s. 54(1)(b) words inserted by [2023 c. 55 Sch. 23 para. 11\(3\)\(b\)](#)
- s. 55(1)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 12\(2\)](#)
- s. 55(5)(ac)(ad) inserted by [2023 c. 55 Sch. 23 para. 12\(5\)](#)
- s. 56(2A) inserted by [2023 c. 55 Sch. 23 para. 13\(4\)](#)
- s. 56A(1A) inserted by [2023 c. 55 Sch. 23 para. 14\(3\)](#)
- s. 57(1)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 15\(b\)](#)
- s. 57A(2)(a)(i)(ii) substituted for words by [2023 c. 55 Sch. 23 para. 16\(3\)](#)
- s. 63(A1)(1) substituted for s. 63(1) by [2023 c. 55 Sch. 23 para. 18](#)
- s. 64(2A) inserted by [2023 c. 55 Sch. 23 para. 19\(4\)](#)
- s. 68(3)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(2\)](#)
- s. 68(4)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(3\)](#)
- s. 68(5)(a)(b) substituted for words by [2023 c. 55 Sch. 23 para. 22\(4\)](#)
- s. 98(1B) inserted by [2023 c. 55 Sch. 23 para. 24\(3\)](#)
- s. 113A(1) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 113A(3) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)