

Status: Point in time view as at 14/10/1991.

Changes to legislation: Children Act 1989, SCHEDULE 9 is up to date with all changes known to be in force on or before 18 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)

SCHEDULES

SCHEDULE 9

Section 71(16).

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

Applications for registration

- 1 (1) An application for registration under section 71 shall be of no effect unless it contains—
- (a) a statement with respect to the applicant which complies with the requirements of regulations made for the purposes of this paragraph by the Secretary of State; and
 - (b) a statement with respect to any person assisting or likely to be assisting in looking after children on the premises in question, or living or likely to be living there, which complies with the requirements of such regulations.
- (2) Where a person provides, or proposes to provide, day care for children under the age of eight on different premises situated within the area of the same local authority, he shall make a separate application with respect to each of those premises.
- (3) An application under section 71 shall be accompanied by such fee as may be prescribed.
- (4) On receipt of an application for registration under section 71 from any person who is acting, or proposes to act, in any way which requires him to be registered under that section, a local authority shall register him if the application is properly made and they are not otherwise entitled to refuse to do so.

Modifications etc. (not altering text)

- C1** Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

- II** Sch. 9 para. 1 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Disqualification from registration

- 2 (1) A person may not be registered under section 71 if he is disqualified by regulations made by the Secretary of State for the purposes of this paragraph ^[F1]unless—
- (a) he has disclosed the fact to the appropriate local authority; and

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- (b) obtained their written consent.]
- (2) The regulations may, in particular, provide for a person to be disqualified where—
- (a) an order of a prescribed kind has been made at any time with respect to him;
 - (b) an order of a prescribed kind has been made at any time with respect to any child who has been in his care;
 - (c) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;
 - (d) he has at any time been refused registration under Part X or any other prescribed enactment or had any such registration cancelled;
 - (e) he has been convicted of any offence of a prescribed kind, or has been placed on probation or discharged absolutely or conditionally for any such offence;
 - (f) he has at any time been disqualified from fostering a child privately;
 - (g) a prohibition has been imposed on him at any time under section [F²69], section 10 of the ^{M1}Foster Children (Scotland) Act 1984 or any other prescribed enactment;
 - (h) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
- (3) A person who lives—
- (a) in the same household as a person who is himself disqualified by the regulations; or
 - (b) in a household at which any such person is employed,
- shall be disqualified unless he has disclosed the fact to the appropriate local authority and obtained their written consent.
- (4) A person who is disqualified shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has—
- (a) disclosed the fact to the appropriate local authority; and
 - (b) obtained their written consent.
- (5) No person shall employ, in connection with the provision of day care, a person who is disqualified, unless he has—
- (a) disclosed to the appropriate local authority the fact that that person is so disqualified; and
 - (b) obtained their written consent.
- (6) In this paragraph “enactment” means any enactment having effect, at any time, in any part of the United Kingdom.

Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** Words in Sch. 9 para. 2(1) added (E.W.)(14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, Sch. 16 para. 30(2); S.I. 1991/1883, art. 3, Sch.
- F2** Word in Sch. 9 para. 2(2)(g) substituted (E.W.)(14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, Sch. 16 para. 30(3); S.I. 1991/1883, art. 3, Sch.

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Commencement Information

I2 Sch. 9 para. 2 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Marginal Citations

M1 1984 c. 56.

- 2 (1) A person may not be registered under section 71 if he is disqualified by regulations made by the Secretary of State for the purposes of this paragraph
- (2) The regulations may, in particular, provide for a person to be disqualified where—
- (a) an order of a prescribed kind has been made at any time with respect to him;
 - (b) an order of a prescribed kind has been made at any time with respect to any child who has been in his care;
 - (c) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;
 - (d) he has at any time been refused registration under Part X or any other prescribed enactment or had any such registration cancelled;
 - (e) he has been convicted of any offence of a prescribed kind, or has been placed on probation or discharged absolutely or conditionally for any such offence;
 - (f) he has at any time been disqualified from fostering a child privately;
 - (g) a prohibition has been imposed on him at any time under section 61, section 10 of the ^{M8}Foster Children (Scotland) Act 1984 or any other prescribed enactment;
 - (h) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
- (3) A person who lives—
- (a) in the same household as a person who is himself disqualified by the regulations; or
 - (b) in a household at which any such person is employed,
- shall be disqualified unless he has disclosed the fact to the appropriate local authority and obtained their written consent.
- (4) A person who is disqualified shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care unless he has—
- (a) disclosed the fact to the appropriate local authority; and
 - (b) obtained their written consent.
- (5) No person shall employ, in connection with the provision of day care, a person who is disqualified, unless he has—
- (a) disclosed to the appropriate local authority the fact that that person is so disqualified; and
 - (b) obtained their written consent.
- (6) In this paragraph “enactment” means any enactment having effect, at any time, in any part of the United Kingdom.

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Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Commencement Information

I9 [Sch. 9 para. 2](#) in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

Marginal Citations

M8 [1984 c. 56](#).

Exemption of certain schools

- 3 (1) Section 71 does not apply in relation to any child looked after in any—
- (a) school maintained or assisted by a local education authority;
 - (b) school under the management of an education authority;
 - (c) school in respect of which payments are made by the Secretary of State under section 100 of the ^{M2}Education Act 1944;
 - (d) independent school;
 - (e) grant-aided school;
 - (f) grant maintained school;
 - (g) self-governing school;
 - (h) play centre maintained or assisted by a local education authority under section 53 of the Act of 1944, or by an education authority under section 6 of the ^{M3}Education (Scotland) Act 1980.
- (2) The exemption provided by sub-paragraph (1) only applies where the child concerned is being looked after in accordance with provision for day care made by—
- (a) the person carrying on the establishment in question as part of the establishment’s activities; or
 - (b) a person employed to work at that establishment and authorised to make that provision as part of the establishment’s activities.
- (3) In sub-paragraph (1)—
- “assisted” and “maintained” have the same meanings as in the Education Act 1944;
- “grant maintained” has the same meaning as in section 52(3) of the ^{M4}Education Reform Act 1988; and “grant-aided school”, “self-governing school” and (in relation to Scotland) “independent school” have the same meaning as in the Education (Scotland) Act 1980.

Commencement Information

I3 [Sch. 9 para. 3](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

Marginal Citations

M2 [1944 c. 31](#).

M3 [1980 c. 44](#).

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M4 1988 c. 40.

Exemption for other establishments

- 4 (1) Section 71(1)(b) does not apply in relation to any child looked after in—
- (a) a registered children’s home;
 - (b) a voluntary home;
 - (c) a community home;
 - (d) a residential care home, nursing home or mental nursing home required to be registered under the ^{M5}Registered Homes Act 1984;
 - (e) a health service hospital;
 - (f) a home provided, equipped and maintained by the Secretary of State; or
 - (g) an establishment which is required to be registered under section 61 of the ^{M6}Social Work (Scotland) Act 1968.
- (2) The exemption provided by sub-paragraph (1) only applies where the child concerned is being looked after in accordance with provision for day care made by—
- (a) the department, authority or other person carrying on the establishment in question as part of the establishment’s activities; or
 - (b) a person employed to work at that establishment and authorised to make that provision as part of the establishment’s activities.
- (3) In this paragraph “a health service hospital” includes a health service hospital within the meaning of the ^{M7}National Health Service (Scotland) Act 1978.

Modifications etc. (not altering text)

C2 Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

I4 Sch. 9 para. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Marginal Citations

M5 1984 c. 23.

M6 1968 c. 49.

M7 1978 c. 29.

Exemption for occasional facilities

- 5 (1) Where day care for children under the age of eight is provided in particular premises on less than six days in any year, that provision shall be disregarded for the purposes of section 71 if the person making it has notified the appropriate local authority in writing before the first occasion on which the premises concerned are so used in that year.

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- (2) In sub-paragraph (1) “year” means the year beginning with the day on which the day care in question is (after the commencement of this paragraph) first provided in the premises concerned and any subsequent year.

Modifications etc. (not altering text)

- C3** Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

- I5** Sch. 9 para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Certificates of registration

- 6 (1) Where a local authority register a person under section 71 they shall issue him with a certificate of registration.
- (2) The certificate shall specify—
- (a) the registered person’s name and address;
 - (b) in a case falling within section 71(1)(b), the address or situation of the premises concerned; and
 - (c) any requirements imposed under section 72 or 73.
- (3) Where, due to a change of circumstances, any part of the certificate requires to be amended, the authority shall issue an amended certificate.
- (4) Where the authority are satisfied that the certificate has been lost or destroyed, they shall issue a copy, on payment by the registered person of such fee as may be prescribed.

Modifications etc. (not altering text)

- C4** Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

- I6** Sch. 9 para. 6 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Fees for annual inspection of premises

- 7 (1) Where—
- (a) a person is registered under section 71, and

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- (b) the local authority concerned make an annual inspection of the premises in question under section 76,
they shall serve on that person a notice informing him that the inspection is to be carried out and requiring him to pay to them such fee as may be prescribed.
- (2) It shall be a condition of the continued registration of that person under section 71 that the fee is so paid before the expiry of the period of twenty-eight days beginning with the date on which the inspection is carried out.

Modifications etc. (not altering text)

- C5 Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

- I7 Sch. 9 para. 7 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Co-operation between authorities

- 8 (1) Where it appears to a local authority that any local education authority or, in Scotland, education authority could, by taking any specified action, help in the exercise of any of their functions under Part X, they may request the help of that local education authority, or education authority, specifying the action in question.
- (2) An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.

Modifications etc. (not altering text)

- C6 Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, s. 79(5) it is provided (2.7.2001 (E.) and 1.4.2002 (W.) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

Commencement Information

- I8 Sch. 9 para. 8 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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