



Protection of Children Act 1999

1999 CHAPTER 14

An Act to require a list to be kept of persons considered unsuitable to work with children; to extend the power to make regulations under section 218(6) of the Education Reform Act 1988; to make further provision with respect to that list and the list kept for the purposes of such regulations; to enable the protection afforded to children to be afforded to persons suffering from mental impairment; and for connected purposes. [15th July 1999]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent Information

- E1** [S. 9, Sch.](#) extend to the United Kingdom from 11.1.2001 as a consequence of the amendment to s. 14 by [2000 c. 43, s. 74, Sch. 7 Pt. II para. 159](#); [S.I. 2000/3302, art. 2\(b\)](#)

Modifications etc. (not altering text)

- C1** Act amended (1.4.2001) by [2000 c. 43, s. 24\(1\)](#); [S.I. 2001/919, art. 2\(a\)](#)
C2 Act modified (1.4.2005) by [Children Act 2004 \(c. 31\), ss. 39\(1\), 67\(6\)](#); [S.I. 2005/700, art. 2\(2\)](#)

Department of Health list

^{F1} **Duty of Secretary of State to keep list.**
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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

F12 Inclusion in list on reference following disciplinary action etc.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

F12A Power of certain authorities to refer individuals for inclusion in list.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

F12B Individuals named in the findings of certain inquiries.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

F12C Inclusion in list on reference under Part VII of Care Standards Act 2000.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

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F1 2D Local authorities proposing to make direct payments in respect of services.

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Textual Amendments

- F1** Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

F1 3 Inclusion in list on transfer from Consultancy Service Index.

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Textual Amendments

- F1** Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

F1 4 Appeals against inclusion in list.

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Textual Amendments

- F1** Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

F1 4A Applications for removal from list.

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Textual Amendments

- F1** Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

F1 4B Conditions for application under section 4A.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 9 para. 8\(2\), Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

F1 4C Restoration to list.

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Textual Amendments

F1 Ss. 1-4C repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 9 para. 8\(2\), Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

Department for Education and Employment list

5 Additional grounds for prohibiting or restricting employment.

F2

Textual Amendments

F2 [S. 5](#) repealed (31.3.2003 for W. and 1.6.2003 for E.) by [2002 c. 32, ss. 215, 216, Sch. 21 para. 120, Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, [Sch. Pt. 2](#); S.I. 2003/1115, [art. 3](#)

F3 6

Textual Amendments

F3 [S. 6](#) repealed (11.1.2001) by [2000 c. 43, ss. 74, 75, Sch. 7 Pt. II para. 156, Sch. 8](#); S.I. 2000/3302, [art. 2\(b\)\(c\)](#)

General

F4 7 Effect of inclusion in either list.

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Textual Amendments

F4 [S. 7](#) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\), s. 65, Sch. 9 para. 8\(2\), Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by [S.I. 2010/1101](#), arts. 6-11)

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8 Searches of both lists under Part V of Police Act 1997.

[^{F5}(1) After subsection (3) of section 113 of the ^{M1}Police Act 1997 (criminal record certificates) there shall be inserted the following subsections—

“(3A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) within subsection (3B), the criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the ^{M2}Education Reform Act 1988; and
- (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.

(3B) A position is within this subsection if it is—

- (a) a child care position within the meaning of the Protection of Children Act 1999;
- (b) a position employment or further employment in which may be prohibited or restricted by regulations made under subsection (6) of section 218 of the ^{M3}Education Reform Act 1988;
- (c) a position such that the holder’s access to persons aged under 19 may be prohibited or restricted by regulations under subsection (6A) of that section; or
- (d) a position of such other description as may be prescribed;

and the reference to employment or further employment in paragraph (b) shall be construed in accordance with subsection (13) of that section.”

(2) After subsection (6) of section 115 of that Act (enhanced criminal record certificates) there shall be inserted the following subsection—

“(6A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) falling within subsection (3B) of section 113, the enhanced criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988; and
- (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.”]

Textual Amendments

F5 S. 8 repealed (6.4.2006 for E.W.) by [Serious Organised Crime and Police Act 2005 \(c. 15\), s. 178\(8\), Sch. 17 Pt. 2](#); [S.I. 2006/378, art. 7\(f\)](#)

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Commencement Information

- I1** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 14(2); s. 8 in force at 12.3.2002 for E.W. by S.I. 2002/1436, [art. 2](#)

Marginal Citations

- M1** 1997 c.50.
M2 1988 c.40.
M3 1988 c.40.

9 The Tribunal.

^{F6}(1)

(2) [^{F7}Tribunal Procedure Rules may make any provision within subsection (3) in relation to the proceedings of the First-tier Tribunal (“the Tribunal”)—]

^{F8}[^{F9}(a)

^{F8}(b)

[on an appeal under section 167B of the Education Act 2002;]

^{F10}(ba)

(c) on an appeal under section 65A of the ^{M4}Children Act 1989 or under, or by virtue of, Part XA of that Act;

^{F11}(ca)

(d) on an appeal or determination under section 21, [^{F12}or 68] of the Care Standards Act 2000;]^{F13}...

^{F14}(e)

[^{F15}(f) on an appeal under section 166 of the Education Act 2002;][^{F16}or

(g) on an appeal under, or by virtue of, Part 3 of the Childcare Act 2006.]

[^{F17}(3) The provision within this subsection is provision—

(a) as to the circumstances in which applications for permission may be made; or

(b) for obtaining a medical report in a case where the decision appealed against was made on medical grounds.]

^{F18}[^{F19}(3A)

^{F20}(3B)

[^{F21}(3C) Before making in Tribunal Procedure Rules provision within subsection (3) in relation to proceedings of the Tribunal on an appeal or determination within subsection (2)(c) or (d), the Tribunal Procedure Committee must consult the Welsh Ministers.]]

^{F22}(4)

[^{F23}(5) Any person who without reasonable excuse fails to comply with any requirement—

(a) which is imposed by Tribunal Procedure Rules in relation to any of the proceedings of the Tribunal mentioned in subsection (2) above, and

(b) which is—

(i) a requirement imposing reporting restrictions,

(ii) a requirement in respect of the discovery or inspection of documents of a kind which could be imposed by a county court, or

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(iii) a requirement for persons to attend to give evidence or produce documents,

is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

F24(6)

F25(7)

Extent Information

E2 S. 9, Sch. extend to the United Kingdom from 11.1.2001 as a consequence of the amendment to s. 14 by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 159**; S.I. 2000/3302, **art. 2(b)**

Textual Amendments

- F6** S. 9(1) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(a)**
- F7** Words in s. 9(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(b)**
- F8** S. 9(2)(a)(b) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(b)(i), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F9** S. 9(2)(a)-(d) substituted for words (1.4.2002 for specified purposes, 4.3.2003 for W. for specified purposes, 7.3.2003 for E. for specified purposes and 26.7.2004 in so far as not already in force) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 26(3)(a)**; S.I. 2001/3852, **art. 3(7)(i)** (subject to Sch. 1 (as amended (27.3.2002) by S.I. 2002/1493, **art. 5** and (31.5.2002) by S.I. 2002/1790, **art. 2** and (29.7.2002) by S.I. 2002/2001, **arts. 2(3), 3**); S.I. 2003/501, **art. 2(1)**; S.I. 2003/933, **art. 2(1)(c)**; S.I. 2004/1757, **art. 2(c)**
- F10** S. 9(2)(ba) inserted (12.10.2009 for W.) by Education and Inspections Act 2006 (c. 40), ss. 170(3), 188(3); S.I. 2009/2545, art. 3(1)(b)
- F11** S. 9(2)(ca) repealed (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), Sch. 9 para. 23, **Sch. 19 Pt. 1**; S.I. 2005/2034, art. 5
- F12** Words in s. 9(2)(d) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 8(3)(b)(ii)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F13** Word in s. 9(2)(d) repealed (31.3.2003 for W. and 1.6.2003 in so far as not already in force) by 2002 c. 32, ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. 2**; S.I. 2003/1115, **art. 3**
- F14** S. 9(2)(e) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(b)(iii), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F15** S 9(2)(f) and word inserted (1.1.2004 for W. and 1.6.2003 in so far as not already in force) by 2002 c. 32, s. 216(4), **Sch. 21 para. 122(b)** (with s. 210(8), 214(4); S.I. 2003/1115, **art. 3**; S.I. 2003/2961, **art. 6**, **Sch. Pt. 3**
- F16** S. 9(2)(g) and word inserted (6.4.2007) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 38(b)**; S.I. 2007/1019, art. 4
- F17** S. 9(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(c)**
- F18** S. 9(3A) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(c), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F19** S. 9(3A)-(3C) inserted (1.4.2002 for specified purposes, 7.3.2003 for E. for specified purposes and 26.7.2004 in so far as not already in force) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 26(3)(b)**; S.I. 2001/3852, **art. 3(7)(i)** (subject to Sch. 1 (as amended (27.3.2002) by S.I. 2002/1493, **art. 5** and

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- (31.5.2002) by S.I. 2002/1790, **art. 2** and (29.7.2002) by S.I. 2002/2001, **arts. 2(3), 3**); S.I. 2003/933, **art. 2(1)(c)**; S.I. 2004/1757, **art. 2(c)**
- F20** S. 9(3B) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(e)**
- F21** S. 9(3C) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(f)**
- F22** S. 9(4) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(g)**
- F23** S. 9(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(h)**
- F24** S. 9(6) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(i)** (with Sch. 4 para. 7(3))
- F25** S. 9(7) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(i)**

Modifications etc. (not altering text)

- C3** S. 9: transfer of functions (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(1), 3(2)(3), 4, 5, **Sch. 1**
- C4** S. 9: transfer of functions (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), arts. 1(1), 3(1), 4, 5, **Sch. 1** (with Sch. 4)

Commencement Information

- I2** S. 9 wholly in force at 2.10.2000: s. 9 not in force at Royal Assent see s. 14(2); s. 9 in force (1.9.2000) for the purpose only of making regulations by S.I. 2000/2337, **art. 2(1)(e)**; s. 9 in force at 2.10.2000 in so far as not already in force by S.I. 2000/2337, **art. 2(2)**

Marginal Citations

- M4** 1989 c. 41.

Supplemental

PROSPECTIVE
F26¹⁰

Textual Amendments

- F26** S. 10 repealed (2.10.2000) by 2000 c. 14, s. 117(2), **Sch. 6**; S.I. 2000/2544, **art. 2(2)(h)**

11 Financial provisions.

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State under or by virtue of this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

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12 Interpretation.

(1) In this Act—

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“prescribed” means prescribed by regulations made by the Secretary of State;

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F29(2)

F29(3)

F29(3A)

(4) Regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Textual Amendments

- F27** S. 12(1): definition of "the 1988 Act" repealed (31.3.2003 for W. and 1.6.2003 for E.) by 2002 c. 32, ss. 215(1), 216, Sch. 21 para. 123(2), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. 2**; S.I. 2003/1115, **art. 3**
- F28** Words in s. 12(1) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(4)(a), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F29** S. 12(2)-(3A) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(4)(b), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

F30 13 Transitional provisions.

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Textual Amendments

- F30** S. 13 repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

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14 Short title, commencement and extent.

- (1) This Act may be cited as the Protection of Children Act 1999.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) [^{F31}Subject to subsections (4) and (5) below, this Act] extends to England and Wales only.
- (4) Section 8 above and this section extend to Northern Ireland.
- [^{F32}(5) Section 9 above and the Schedule to this Act extend to the whole of the United Kingdom.]

Subordinate Legislation Made

- P1** S. 14(2) power partly exercised: 5.6.2000 appointed for specific provisions by [S.I. 2000/1459, art. 2](#)
 S. 14(2) power partly exercised: 1.9.2000 and 2.10.2000 appointed for specified provisions by [S.I. 2000/2337, art. 2\(1\)\(2\)](#)
 S. 14(2) power partly exercised: 12.3.2002 appointed for specified provisions by [S.I. 2002/1436, art. 2](#)

Textual Amendments

- F31** Words in s. 14(3) substituted (11.1.2001) by [2000 c. 43, s. 74, Sch. 7 Pt. II para. 159\(a\)](#); [S.I. 2000/3302, art. 2\(b\)](#)
F32 S. 14(5) inserted (11.1.2001) by [2000 c. 43, s. 74, Sch. 7 Pt. II para. 159\(b\)](#); [S.I. 2000/3302, art. 2\(b\)](#)

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SCHEDULE

F33

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Textual Amendments

F33 Sch. omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), **Sch. 3 paras. 177**, 228(e)

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