

## SCHEDULES

### SCHEDULE 13

Section 152

#### REGULATION OF CHILD MINDING AND DAY CARE

##### *Consent to checks on suitability*

1 In section 79B of the Children Act 1989 (c. 41) (persons qualified for registration for child minding or day care), after subsection (5) there is inserted—

“(5A) Where, for the purposes of determining a person’s qualification for registration under this Part—

(a) the registration authority requests any person (“A”) to consent to the disclosure to the authority by another person (“B”) of any information relating to A which is held by B and is of a prescribed description, and

(b) A does not give his consent (or withdraws it after having given it), the registration authority may, if regulations so provide and it thinks it appropriate to do so, regard A as not suitable to look after children under the age of eight, or not suitable to be in regular contact with such children.”

##### *Suspension of registration*

2 In section 79H of that Act (suspension of registration), after subsection (2) there is inserted—

“(3) A person registered under this Part for child minding by the Chief Inspector shall not act as a child minder in England at a time when that registration is suspended in accordance with regulations under this section.

(4) A person registered under this Part for child minding by the Assembly shall not act as a child minder in Wales at a time when that registration is so suspended.

(5) A person registered under this Part for providing day care on any premises shall not provide day care on those premises at any time when that registration is so suspended.

(6) If any person contravenes subsection (3), (4) or (5) without reasonable excuse, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

##### *Rights of appeal in relation to registration*

3 (1) Section 79M of that Act (appeals) is amended as follows.

(2) In subsection (1), after paragraph (b) there is inserted “or

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*Status: This is the original version (as it was originally enacted).*

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- (c) a determination made by the registration authority under this Part (other than one falling within paragraph (a) or (b)) which is of a prescribed description.”

(3) In subsection (2)(a), after “order” there is inserted “or determination”.

*Inspections by Chief Inspector*

- 4 (1) Section 79Q of that Act (inspection of childminding and day care) is amended as follows.
- (2) In subsection (2), for the words from “secure” to the end there is substituted “at prescribed intervals inspect, or secure the inspection by a registered inspector of, any child minding provided in England by a registered person”.
- (3) In subsection (3), for the words from “secure” to the end there is substituted “at prescribed intervals inspect, or secure the inspection by a registered inspector of, any day care provided by a registered person on any premises in England”.

*Rights of entry etc.*

- 5 (1) Section 79U of that Act (rights of entry etc.) is amended as follows.
- (2) In subsection (1), for “An authorised inspector” there is substituted “Any person authorised for the purposes of this subsection by the registration authority”.
- (3) In subsection (2), for “an authorised inspector” there is substituted “a person who is authorised for the purposes of this subsection by the registration authority”.
- (4) After that subsection there is inserted—
- “(2A) Authorisation under subsection (1) or (2)—
- (a) may be given for a particular occasion or period;
- (b) may be given subject to conditions.”
- (5) In subsection (3), for the words from “An inspector” to “may-” there is substituted “A person entering premises under this section may (subject to any conditions imposed under subsection (2A)(b))—”.
- (6) Subsection (5) shall cease to have effect.
- (7) In subsection (9), the definition of “authorised inspector” shall cease to have effect.

*Disqualification for registration*

- 6 In paragraph 4 of Schedule 9A to that Act (disqualification for registration for child minding and day care), after sub-paragraph (3) there is inserted—
- “(3A) Regulations under this paragraph may provide for a person not to be disqualified for registration by reason of any fact which would otherwise cause him to be disqualified if—
- (a) he has disclosed the fact to the registration authority, and
- (b) the registration authority has consented in writing to his registration and has not withdrawn that consent.”

*Disclosure of criminal record*

- 7 (1) Section 113 of the Police Act 1997 (c. 50) (criminal record certificates) is amended as follows.
- (2) In subsection (3E)(c) the words “under Part XA of the Children Act 1989” are omitted.
- (3) After that subsection there is inserted—
- “(3F) The references in subsections (3A) and (3C) to considering the applicant’s suitability to be employed, supplied to work, found work or given work in a position falling within subsection (3B) or (3D) include references to considering, for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales), his suitability—
- (a) to look after or be in regular contact with children under the age of eight, or
- (b) in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, to look after children within the meaning of that section.”
- 8 (1) Section 115 of that Act (enhanced criminal record certificates) is amended as follows.
- (2) In subsection (5)(e), after “that Act” there is inserted “, or the holding of a certificate under section 79W of that Act,”.
- (3) After subsection (6B) there is inserted—
- “(6BA) The references in subsections (6A) and (6B) to considering the applicant’s suitability to be employed, supplied to work, found work or given work in a position falling within section 113(3B) or (3D) include references to considering, for the purposes of Part 10A of the Children Act 1989 (child minding and day care in England and Wales) his suitability—
- (a) to look after or be in regular contact with children under the age of eight, or
- (b) in the case of an applicant for or holder of a certificate under section 79W of that Act, or a person prescribed under subsection (4) of that section, to look after children within the meaning of that section.”