

SCHEDULE

(regulation 2(g))

WHICH DISQUALIFY PERSONS FROM PRIVATE FOSTERING AND REGISTERING UNDER SECTION 71 OF THE ACT

1. Offences specified in Schedule 1 to the Children and Young Persons Act 1933(1) and Schedule 1 to the Criminal Procedure (Scotland) Act 1975(2) and Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968(3) and the Homosexual Offences (Northern Ireland) Order 1982(4).

2. Any offence involving injury or threat of injury to another person.

3. Offences under any of the following—

- (a) section 36(1)(b) or (c) of the Adoption Act 1976(5), or section 36(1)(b) or (c) of the Adoption (Scotland) Act 1978(6), or Article 37(1)(b) or (c) of the Adoption (Northern Ireland) Order 1987 (refusing to allow the visiting of a protected child or inspection of the premises or refusing to comply with or obstructing the removal of the child);
- (b) sections 44(15), 49 or 50(9) of the Children Act 1989 or sections 17(8) or 71 of the Social Work (Scotland) Act 1968 or sections 6 to 10 of the Child Abduction Act 1984(7) or sections 9(1)(e) and (f), 32(3), 140(6) and 144(3) of the Children and Young Persons Act (Northern Ireland) 1968; section 32(3) of the Children and Young Persons Act 1969 (offences of intentional obstruction of a person executing an emergency protection order or in Scotland and Northern Ireland a place of safety order, or abduction or obstruction of lawful recovery of an abducted child);
- (c) section 78 of the Act or section 14 of the Children and Young Persons Act (Northern Ireland) 1968(8) (providing day care or acting as a child minder in unregistered premises or contravening an enforcement order served on him by a local authority acting under that section);
- (d) section 63(10) of the Act (caring for and accommodating a child in a children's home which is not registered) or paragraph 2(3) of Schedule 6 to the Act (breach of conditions attaching to registration of registered children's home);
- (e) section 14 of the Children Act 1958, section 16 of the Foster Children Act 1980, section 70 of the Act, section 15 of the Foster Children (Scotland) Act 1984, or section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968, or section 2(8) of the Children and Young Persons Act (Northern Ireland) 1950 (offences in respect of private fostering);

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- (1) Schedule 1 has been amended by sections 48 and 51 of and Schedules 3 and 4 to the Sexual Offences Act 1956 (c. 69), section 1(5) of the Protection of Children Act 1978 (c. 37) as supplemented by section 160 of the Criminal Justice Act 1988 (c. 33) and further amended by section 170 of and paragraphs 8 and 9 of Schedule 15 to that Act and Schedule 16 to that Act.
 - (2) Schedule 1 has been amended by section 21 of and Schedules 1 and 2 to the Sexual Offences (Scotland) Act 1976 (c. 67) and section 170 of and paragraphs 50 and 51 of Schedule 15 to the Criminal Justice Act 1988.
 - (3) Schedule 1 has been amended by the Criminal Justice (Northern Ireland) Order 1980 (S.I.1980/704 (N.I.16)); the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17)); the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)). Reference in the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/104 (N.I. 17)) to offences under Schedule 1 include an offence under the Protection of Children (Northern Ireland) Order 1978.
 - (4) S.I. 1982/1536 (N.I. 19).
 - (5) Section 36(1)(c) of the Adoption Act 1976 was repealed on 14 October 1991 by Schedule 15 of the Children Act 1989 (Commencement and Transitional Provisions) Order 1991 (S.I. 1991/828).
 - (6) 1978 c. 28.
 - (7) There is no exact equivalent to these provisions in Scotland; thus offences relating to children in places of safety, residential establishments or under control are dealt with by section 71 of the Social Work (Scotland) Act 1968 in so far as they relate to inducing/assisting abscondment and harbouring a child. Abduction of a child in care is dealt with under section 17(8) of the 1968 Act and abduction generally under Part II of the Child Abduction Act 1984 (c. 37) which, in Scotland, is not an offence for the purposes of Schedule 1 to the Criminal Procedure (Scotland) Act 1975 (c. 21).
 - (8) There is no provision for enforcement orders under the relevant Northern Ireland legislation.

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- (f) section 29(5) of the Children Act 1948, section 57(5) of the Child Care Act 1980⁽⁹⁾, paragraph 1(5) of Schedule 5 to the Act, or sections 99(5) and 101(3) of the Children and Young Persons Act (Northern Ireland) 1950, or section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968 (carrying on a voluntary home without it being registered or in contravention of a condition attached to registration);
- (g) section 6(5), 60(3), 61, 62 or 68(3) of the Social Work (Scotland) Act 1968 (refusal of registration and offences in respect of day care or residential care);
- (h) the common law offence in Scotland of plagium (theft of a child below the age of puberty);
- (i) section 52(1)(a) or section 52(A) of the Civil Government (Scotland) Act 1982⁽¹⁰⁾ (offences relating to indecent photograph of children).

⁽⁹⁾ Section 57 was amended by section 11 of and paragraph 39 of Schedule 4 Part II to the Health and Social Services and Social Security Adjudications Act 1983.

⁽¹⁰⁾ 1982 c. 45. Section 52A was inserted by section 161 of the Criminal Justice Act 1988.