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STATUTORY INSTRUMENTS

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**2009 No. 2610**

**The Safeguarding Vulnerable Groups Act 2006  
(Regulated Activity, Miscellaneous and Transitional  
Provisions and Commencement No. 5) Order 2009**

**PART 7**

**Provisions relating to Part 1 of Schedule 4 to  
the Safeguarding Vulnerable Groups Act 2006**

**Regulated activity relating to Children**

**Definition of relevant child care premises**

**25.**—(1) Paragraph 3 of Schedule 4 to the Act is amended as follows.

(2) In sub-paragraph (2)(c), after “any form of” insert “child minding or”.

(3) After sub-paragraph 3(2) insert—

“(3) But premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.

(4) For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.

(5) “Parental responsibility” has the same meaning as in the Children Act 1989.”.

**Office holders and other amendments to paragraph 4 of Schedule 4 to the Act**

**26.**—(1) Paragraph 4 of Schedule 4 to the Act is amended as follows.

(2) In sub-paragraph (1)(a), after “member of” insert “or clerk to”.

(3) In sub-paragraph (1), after paragraph (a) insert—

“(aa) person appointed by the governing body of a maintained school to serve on a committee established by that body;

(ab) chief executive of a local authority that has any education functions or social services functions;”.

(4) In sub-paragraph (1), after paragraph (o) insert—

“(p) an individual carrying on or managing a regulated establishment or agency which provides care, accommodation or services wholly or mainly for or in relation to children;

(q) a person appointed under section 27(1)(a) of the Children Act 2004<sup>(1)</sup> as the lead director for children and young people’s services (Wales);

- (r) Children’s Rights Director appointed under section 120 of the Education and Inspections Act 2006<sup>(2)</sup> and a person whose duties consist wholly or mainly of assisting the Director in the exercise of the Director’s functions.”.
- (5) After sub-paragraph (1) insert—
- “(1A) For the purposes of sub-paragraph (1)(a), a person is a clerk to the governing body of an educational establishment mentioned in section 8(5) if—
- (a) the person is appointed in accordance with regulations under section 23 of the Education Act 2002 as a clerk to the governing body of a maintained school, or
  - (b) the person is appointed in relation to the governing body of any other educational establishment mentioned in section 8(5) and has functions similar to those of a person falling within paragraph (a).
- (1B) For the purposes of sub-paragraph (1)(p) an establishment or agency is a regulated establishment or agency if the person carrying it on or managing it is required to be registered in respect of it under Part 2 of the Care Standards Act 2000.”.
- (6) In sub-paragraph (7), after the definition of “local authority” insert—
- ““maintained school” has the same meaning as in section 39 of the Education Act 2002;”.