

## SCHEDULES

### SCHEDULE 4

#### REGULATED ACTIVITY

##### PART 1

#### REGULATED ACTIVITY RELATING TO CHILDREN

*Regulated activity: general*

- 1 (1) An activity is a regulated activity relating to children if—
  - (a) it is mentioned in paragraph 2(1), and
  - (b) it is carried out frequently by the same person or the period condition is satisfied.
- (2) An activity is a regulated activity relating to children if—
  - (a) it is carried out frequently by the same person or the period condition is satisfied,
  - (b) it is carried out in an establishment mentioned in paragraph 3(1),
  - (c) it is carried out by a person while engaging in any form of work (whether or not for gain),
  - (d) it is carried out for or in connection with the purposes of the establishment, and
  - (e) it gives that person the opportunity, in consequence of anything he is permitted or required to do in connection with the activity, to have contact with children.
- (3) Each of the following, if carried out in England, is a regulated activity relating to children—
  - (a) providing early years childminding in respect of which a requirement to register arises by section 33(1) of the Childcare Act 2006 (c. 21) (requirement to register);
  - (b) providing later years childminding in respect of which a requirement to register arises by section 52(1) of that Act (requirement to register);
  - (c) providing early years childminding or later years childminding, if it is provided by a person who is registered by virtue of section 62(1) of that Act (voluntary registration of childminders);
  - (d) providing later years childminding for a child who has attained the age of eight, if a requirement to register would arise in respect of that provision by section 52(1) of that Act if the child had not attained that age.
- (4) Any expression used both in sub-paragraph (3) and in Part 3 of the Childcare Act 2006 has the meaning given by that Act.

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*Status: This is the original version (as it was originally enacted).*

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- (5) It is a regulated activity relating to children to foster a child (as mentioned in section 53).
- (6) Each of the following, if carried out in Wales, is a regulated activity relating to children—
- (a) acting as a child minder so as to give rise to a requirement to register under section 79D of the Children Act 1989 (c. 41);
  - (b) an activity which would give rise to such a requirement if the child in relation to whom the activity is carried out were under the age of eight.
- (7) For the purposes of sub-paragraph (6), “acting as a child minder” must be construed in accordance with section 79A of that Act.
- (8) The exercise of any function of the following is a regulated activity relating to children—
- (a) officer of the Children and Family Court Advisory and Support Service;
  - (b) Welsh family proceedings officer (within the meaning of Part 4 of the Children Act 2004 (c. 31)).
- (9) The exercise of a function of a person mentioned in paragraph 4(1) is a regulated activity relating to children.
- (10) The exercise of a function of any of the following so far as it relates to the inspection of an establishment mentioned in paragraph 3(1) is a regulated activity relating to children—
- (a) HM Chief Inspector of Schools in England;
  - (b) HM Chief Inspector of Education and Training in Wales;
  - (c) a body approved in pursuance of section 163(1)(b) of the Education Act 2002 (c. 32) to inspect a registered independent school;
  - (d) HM Chief Inspector of Prisons;
  - (e) the Commission for Social Care Inspection;
  - (f) the Commission for Healthcare Audit and Inspection;
  - (g) the National Assembly for Wales.
- (11) The exercise of a function of—
- (a) the Commission for Healthcare Audit and Inspection, or
  - (b) the National Assembly for Wales,
- so far as it relates to the inspection of an establishment, agency or body falling within sub-paragraph (12) is a regulated activity relating to children.
- (12) An establishment, agency or body falls within this sub-paragraph if it is—
- (a) an establishment in relation to which a requirement to register arises under section 11 of the Care Standards Act 2000 (c. 14),
  - (b) an agency in relation to which such a requirement arises, or
  - (c) an NHS body within the meaning of section 148 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43),
- and it provides any form of treatment or therapy for children.
- (13) In sub-paragraph (12)(c) the reference to an NHS body includes a reference to any person who provides, or is to provide, health care for the body (wherever the health care is or is to be provided).

- (14) Any activity which consists in or involves on a regular basis the day to day management or supervision of a person carrying out an activity mentioned in subparagraph (1), (2), (8), (10) or (11) is a regulated activity relating to children.