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SCHEDULES

SCHEDULE 6

REGISTERED CHILDREN’S HOMES

PART I

REGISTRATION

Application for registration

- 1 (1) An application for the registration of a children’s home shall be made—
 - (a) by the person carrying on, or intending to carry on, the home; and
 - (b) to the local authority for the area in which the home is, or is to be, situated.
- (2) The application shall be made in the prescribed manner and shall be accompanied by—
 - (a) such particulars as may be prescribed; and
 - (b) such reasonable fee as the local authority may determine.
- (3) In this Schedule “prescribed” means prescribed by regulations made by the Secretary of State.
- (4) If a local authority are satisfied that a children’s home with respect to which an application has been made in accordance with this Schedule complies or (as the case may be) will comply—
 - (a) with such requirements as may be prescribed, and
 - (b) with such other requirements (if any) as appear to them to be appropriate,they shall grant the application, either unconditionally or subject to conditions imposed under paragraph 2.
- (5) Before deciding whether or not to grant an application a local authority shall comply with any prescribed requirements.
- (6) Regulations made for the purposes of sub-paragraph (5) may, in particular, make provision as to the inspection of the home in question.
- (7) Where an application is granted, the authority shall notify the applicant that the home has been registered under this Act as from such date as may be specified in the notice.
- (8) If the authority are not satisfied as mentioned in sub-paragraph (4), they shall refuse the application.
- (9) For the purposes of this Act, an application which has not been granted or refused within the period of twelve months beginning with the date when it is served on the

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authority shall be deemed to have been refused by them, and the applicant shall be deemed to have been notified of their refusal at the end of that period.

- (10) Where a school to which section 63(1) applies is registered it shall not cease to be a registered children’s home by reason only of a subsequent change in the number of children for whom it provides accommodation.

Modifications etc. (not altering text)

C1 Sch. 6 Pt. I para. 1(9) excluded (*temp.*) by S.I. 2000/2795, art. 3(4)

Commencement Information

I1 Sch. 6 Pt. I para. 1 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Conditions imposed on registration

- 2 (1) A local authority may grant an application for registration subject to such conditions relating to the conduct of the home as they think fit.
- (2) A local authority may from time to time—
- (a) vary any condition for the time being in force with respect to a home by virtue of this paragraph; or
 - (b) impose an additional condition,
- either on the application of the person carrying on the home or without such an application.
- (3) If any condition imposed or varied under this paragraph is not complied with, the person carrying on the home shall, if he has no reasonable excuse, be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Commencement Information

I2 Sch. 6 Pt. I para. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Annual review of registration

- 3 (1) In this [F1Schedule]“the responsible authority”, in relation to a registered children’s home means the local authority who registered it.
- (2) The responsible authority for a registered children’s home shall, at the end of the period of twelve months beginning with the date of registration, and annually thereafter, review its registration for the purpose of determining whether the registration should continue in force or be cancelled under paragraph 4(3).
- (3) If on any such annual review the responsible authority are satisfied that the home is being carried on in accordance with the relevant requirements they shall determine that, subject to sub-paragraph (4), the registration should continue in force.

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- (4) The responsible authority shall give to the person carrying on the home notice of their determination under sub-paragraph (3) and the notice shall require him to pay to the authority with respect to the review such reasonable fee as the authority may determine.
- (5) It shall be a condition of the home’s continued registration that the fee is so paid before the expiry of the period of twenty-eight days beginning with the date on which the notice is received by the person carrying on the home.
- (6) In this Schedule “the relevant requirements” means any requirements of Part VIII and of any regulations made under paragraph 10, and any conditions imposed under paragraph 2.

Textual Amendments

- F1** Word in [Sch. 6 para. 3](#) substituted (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, [Sch. 16 para. 29](#); S.I. 1991/1883, art. 3, [Sch.](#)

Commencement Information

- I3** [Sch. 6 Pt. I para. 3](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and S.I. 1991/828, [art. 3\(2\)](#)

Cancellation of registration

- 4 (1) The person carrying on a registered children’s home may at any time make an application, in such manner and including such particulars as may be prescribed, for the cancellation by the responsible authority of the registration of the home.
- (2) If the authority are satisfied, in the case of a school registered by virtue of section 63(6), that it is no longer a school to which that provision applies, the authority shall give to the person carrying on the home notice that the registration of the home has been cancelled as from the date of the notice.
- (3) If on any annual review under paragraph 3, or at any other time, it appears to the responsible authority that a registered home is being carried on otherwise than in accordance with the relevant requirements, they may determine that the registration of the home should be cancelled.
- (4) The responsible authority may at any time determine that the registration of a home should be cancelled on the ground—
 - (a) that the person carrying on the home has been convicted of an offence under this Part or any regulations made under paragraph 10; or
 - (b) that any other person has been convicted of such an offence in relation to the home.

Commencement Information

- I4** [Sch. 6 Pt. I para. 4](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and S.I. 1991/828, [art. 3\(2\)](#)

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Procedure

- 5 (1) Where—
- (a) a person applies for the registration of a children’s home; and
 - (b) the local authority propose to grant his application,
- they shall give him written notice of their proposal and of the conditions (if any) subject to which they propose to grant his application.
- (2) The authority need not give notice if they propose to grant the application subject only to conditions which—
- (a) the applicant specified in the application; or
 - (b) the authority and the applicant have subsequently agreed.
- (3) The authority shall give an applicant notice of a proposal to refuse his application.
- (4) The authority shall give any person carrying on a registered children’s home notice of a proposal—
- (a) to cancel the registration;
 - (b) to vary any condition for the time being in force with respect to the home by virtue of Part VIII; or
 - (c) to impose any additional condition.
- (5) A notice under this paragraph shall give the local authority’s reasons for their proposal.

Commencement Information

I5 Sch. 6 Pt. I para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Right to make representations

- 6 (1) A notice under paragraph 5 shall state that within 14 days of service of the notice any person on whom it is served may in writing require the local authority to give him an opportunity to make representations to them concerning the matter.
- (2) Where a notice has been served under paragraph 5, the local authority shall not determine the matter until—
- (a) any person on whom the notice was served has made representations to them concerning the matter;
 - (b) the period during which any such person could have required the local authority to give him an opportunity to make representations has elapsed without their being required to give such an opportunity; or
 - (c) the conditions specified in sub-paragraph (3) below are satisfied.
- (3) The conditions are—
- (a) that a person on whom the notice was served has required the local authority to give him an opportunity to make representations to them concerning the matter;

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- (b) that the authority have allowed him a reasonable period to make his representations; and
 - (c) that he has failed to make them within that period.
- (4) The representations may be made, at the option of the person making them, either in writing or orally.
- (5) If he informs the local authority that he desires to make oral representations, the authority shall give him an opportunity of appearing before and of being heard by a committee or sub-committee of theirs.

Modifications etc. (not altering text)

C2 Sch. 6 Pt. I para. 6(5) modified (26.10.2000 for E. and 28.7.2001 for W.) by 2000 c. 22, ss. 107(1), 108(4), Sch. 5 para. 23; S.I. 2000/2849, art. 2(f)

Commencement Information

I6 Sch. 6 Pt. I para. 6 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Decision of local authority

- 7
- (1) If the local authority decide to adopt a proposal of theirs to grant an application, they shall serve notice in writing of their decision on any person on whom they were required to serve notice of their proposal.
 - (2) A notice under this paragraph shall be accompanied by an explanation of the right of appeal conferred by paragraph 8.
 - (3) A decision of a local authority, other than a decision to grant an application for registration subject only to such conditions as are mentioned in paragraph 5(2) or to refuse an application for registration, shall not take effect—
 - (a) if no appeal is brought, until the end of the period of 28 days referred to in paragraph 8(3); and
 - (b) if an appeal is brought, until it is determined or abandoned.

Modifications etc. (not altering text)

C3 Sch. 6 Pt. I para. 7(3) excluded (*temp.*) by S.I. 2000/2795, art. 3(4)

Commencement Information

I7 Sch. 6 Pt. I para. 7 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Appeals

- 8
- (1) An appeal against a decision of a local authority under Part VIII shall lie to a Registered Homes Tribunal.
 - (2) An appeal shall be brought by notice in writing given to the local authority.

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- (3) No appeal shall be brought by a person more than 28 days after service on him of notice of the decision.
- (4) On an appeal the Tribunal may confirm the local authority’s decision or direct that it shall not have effect.
- (5) A Tribunal shall also have power on an appeal—
 - (a) to vary any condition in force with respect to the home to which the appeal relates by virtue of paragraph 2;
 - (b) to direct that any such condition shall cease to have effect; or
 - (c) to direct that any such condition as it thinks fit shall have effect with respect to the home.
- (6) A local authority shall comply with any direction given by a Tribunal under this paragraph.

Commencement Information

18 Sch. 6 Pt. I para. 8 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Prohibition on further applications

- 9 (1) Where an application for the registration of a home is refused, no further application may be made within the period of six months beginning with the date when the applicant is notified of the refusal.
- (2) Sub-paragraph (1) shall have effect, where an appeal against the refusal of an application is determined or abandoned, as if the reference to the date when the applicant is notified of the refusal were a reference to the date on which the appeal is determined or abandoned.
- (3) Where the registration of a home is cancelled, no application for the registration of the home shall be made within the period of six months beginning with the date of cancellation.
- (4) Sub-paragraph (3) shall have effect, where an appeal against the cancellation of the registration of a home is determined or abandoned, as if the reference to the date of cancellation were a reference to the date on which the appeal is determined or abandoned.

Commencement Information

19 Sch. 6 Pt. I para. 9 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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