



Children Act 1989

1989 CHAPTER 41

PART X

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

78 Offences.

- (1) No person shall provide day care for children under the age of eight on any premises within the area of a local authority unless he is registered by the authority under section 71(1)(b) with respect to those premises.
- (2) If any person contravenes subsection (1) without reasonable excuse, he shall be guilty of an offence.
- (3) No person shall act as a child minder on domestic premises within the area of a local authority unless he is registered by the authority under section 71(1)(a).
- (4) Where it appears to a local authority that a person has contravened subsection (3), they may serve a notice ("an enforcement notice") on him.
- (5) An enforcement notice shall have effect for a period of one year beginning with the date on which it is served.
- (6) If a person with respect to whom an enforcement notice is in force contravenes subsection (3) without reasonable excuse he shall be guilty of an offence.
- (7) Subsection (6) applies whether or not the subsequent contravention occurs within the area of the authority who served the enforcement notice.
- (8) Any person who without reasonable excuse contravenes, or otherwise fails to comply with, any requirement imposed on him under section 72 or 73 shall be guilty of an offence.
- (9) If any person—
 - (a) acts as a child minder on domestic premises at any time when he is disqualified by regulations made under paragraph 2 of Schedule 9; or

Status: Point in time view as at 14/10/1991. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 78 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) contravenes any of sub-paragraphs (3) to (5) of paragraph 2, he shall be guilty of an offence.
- (10) Where a person contravenes sub-paragraph (3) of paragraph 2 he shall not be guilty of an offence under this section if he proves that he did not know, and had no reasonable grounds for believing, that the person in question was living or employed in the household.
- (11) Where a person contravenes sub-paragraph (5) of paragraph 2 he shall not be guilty of an offence under this section if he proves that he did not know, and had no reasonable grounds for believing, that the person whom he was employing was disqualified.
- (12) A person guilty of an offence under this section shall be liable on summary conviction—
- (a) in the case of an offence under subsection (8), to a fine not exceeding level 4 on the standard scale;
 - (b) in the case of an offence under subsection (9), to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both; and
 - (c) in the case of any other offence, to a fine not exceeding level 5 on the standard scale.

Modifications etc. (not altering text)

- C1** Pt. X (ss. 71-79) and Sch. 9: By 2000 c. 14, ss. 79(5), 122 it is provided (2.7.2001 (E.) otherwise^{prosp.}) that Pt. X and Sch. 9 shall cease to extend to England and Wales; S.I. 2001/2041, art. 2(1)(c) (with transitional provisions and savings in the Sch.)

Commencement Information

- I1** s. 78 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Status:

Point in time view as at 14/10/1991. This version of this provision has been superseded.

Changes to legislation:

Children Act 1989, Section 78 is up to date with all changes known to be in force on or before 08 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.