

Status: Point in time view as at 28/09/2009.

Changes to legislation: Care Standards Act 2000, SCHEDULE 3 is up to date with all changes known to be in force on or before 17 August 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)

SCHEDULES

SCHEDULE 3

Section 79.

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

Commencement Information

- II** Sch. 3 wholly in force at 1.4.2002; Sch. 3 not in force at Royal Assent see s. 122; Sch. 3 in force for E. at 2.7.2001 by S.I. 2001/2041, arts. 1(4), 2(1)(b) (subject to art. 2(2)(3)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 3 in force for W. for certain purposes at 1.7.2001 by S.I. 2001/2190, art. 2, Sch. Table; Sch. 3 in force for W. in so far as not already in force at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)(5) and to transitional provisions in Schs. 1-3)

The following Schedule shall be inserted in the 1989 Act after Schedule 9—

“SCHEDULE 9A

CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

Exemption of certain schools

- 1 (1) Except in prescribed circumstances, Part XA does not apply to provision of day care within sub-paragraph (2) for any child looked after in—
- a maintained school;
 - a school assisted by a local education authority;
 - a school in respect of which payments are made by the Secretary of State or the Assembly under section 485 of the ^{M1}Education Act 1996;
 - an independent school.
- (2) The provision mentioned in sub-paragraph (1) is provision of day care made by—
- the person carrying on the establishment in question as part of the establishment’s activities; or
 - a person employed to work at that establishment and authorised to make that provision as part of the establishment’s activities.
- (3) In sub-paragraph (1)—
- “assisted” has the same meaning as in the ^{M2}Education Act 1996;
- “maintained school” has the meaning given by section 20(7) of the ^{M3}School Standards and Framework Act 1998.

Exemption for other establishments

- 2 (1) Part XA does not apply to provision of day care within sub-paragraph (2) for any child looked after—
- in an appropriate children’s home;

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- (b) in a care home;
 - (c) as a patient in a hospital (within the meaning of the Care Standards Act 2000);
 - (d) in a residential family centre.
- (2) The provision mentioned in sub-paragraph (1) is provision of day care made by—
- (a) the department, authority or other person carrying on the establishment in question as part of the establishment’s activities; or
 - (b) a person employed to work at that establishment and authorised to make that provision as part of the establishment’s activities.

Exemption for occasional facilities

- 3 (1) Where day care is provided on particular premises on less than six days in any year, that provision shall be disregarded for the purposes of Part XA if the person making it has notified the registration authority in writing before the first occasion on which the premises concerned are so used in that year.
- (2) In sub-paragraph (1) “year” means the year beginning with the day (after the commencement of paragraph 5 of Schedule 9) on which the day care in question was or is first provided on the premises concerned and any subsequent year.

Disqualification for registration

- 4 (1) Regulations may provide for a person to be disqualified for registration for child minding or providing day care.
- (2) The regulations may, in particular, provide for a person to be disqualified where—
- (a) he is included in the list kept under section 1 of the ^{M4}Protection of Children Act 1999;
 - (b) he is included on the grounds mentioned in subsection (6ZA)(c) of section 218 of the ^{M5}Education Reform Act 1988 in the list kept for the purposes of regulations made under subsection (6) of that section;
 - (c) an order of a prescribed kind has been made at any time with respect to him;
 - (d) an order of a prescribed kind has been made at any time with respect to any child who has been in his care;
 - (e) a requirement of a prescribed kind has been imposed at any time with respect to such a child, under or by virtue of any enactment;
 - (f) he has at any time been refused registration under Part X or Part XA or any prescribed enactment or had any such registration cancelled;
 - (g) he has been convicted of any offence of a prescribed kind, or has been placed on probation or discharged absolutely or conditionally for any such offence;
 - (h) he has at any time been disqualified from fostering a child privately;
 - (j) a prohibition has been imposed on him at any time under section 69, section 10 of the ^{M6}Foster Children (Scotland) Act 1984 or any prescribed enactment;
 - (k) his rights and powers with respect to a child have at any time been vested in a prescribed authority under a prescribed enactment.
- (3) Regulations may provide for a person who lives—
- (a) in the same household as a person who is himself disqualified for registration for child minding or providing day care; or
 - (b) in a household at which any such person is employed,

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to be disqualified for registration for child minding or providing day care.

- (4) A person who is disqualified for registration for providing day care shall not provide day care, or be concerned in the management of, or have any financial interest in, any provision of day care.
 - (5) No person shall employ, in connection with the provision of day care, a person who is disqualified for registration for providing day care.
 - (6) In this paragraph “enactment” means any enactment having effect, at any time, in any part of the United Kingdom.
- 5 (1) If any person—
- (a) acts as a child minder at any time when he is disqualified for registration for child minding; or
 - (b) contravenes any of sub-paragraphs (3) to (5) of paragraph 4,
- he shall be guilty of an offence.
- (2) Where a person contravenes sub-paragraph (3) of paragraph 4, he shall not be guilty of an offence under this paragraph 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.
 - (3) Where a person contravenes sub-paragraph (5) of paragraph 4, he shall not be guilty of an offence under this paragraph if he proves that he did not know, and had no reasonable grounds for believing, that the person whom he was employing was disqualified.
 - (4) A person guilty of an offence under this paragraph shall be liable on summary conviction to imprisonment for a term not exceeding six months, or to a fine not exceeding level 5 on the standard scale, or to both.

Certificates of registration

- 6 (1) If an application for registration is granted, the registration authority shall give the applicant a certificate of registration.
- (2) A certificate of registration shall give prescribed information about prescribed matters.
 - (3) Where, due to a change of circumstances, any part of the certificate requires to be amended, the registration authority shall issue an amended certificate.
 - (4) Where the registration authority is satisfied that the certificate has been lost or destroyed, the authority shall issue a copy, on payment by the registered person of any prescribed fee.
 - (5) For the purposes of Part XA, a person is—
 - (a) registered for providing child minding (in England or in Wales); or
 - (b) registered for providing day care on any premises,if a certificate of registration to that effect is in force in respect of him.

Annual fees

- 7 Regulations may require registered persons to pay to the registration authority at prescribed times an annual fee of a prescribed amount.

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Co-operation between authorities

- 8 (1) Where it appears to the Chief Inspector that any local authority in England could, by taking any specified action, help in the exercise of any of his functions under Part XA, he may request the help of that authority specifying the action in question.
- (2) Where it appears to the Assembly that any local authority in Wales could, by taking any specified action, help in the exercise of any of its functions under Part XA, the Assembly may request the help of that authority specifying the action in question.
- (3) An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.”

Marginal Citations

M1 1996 c. 56.
M2 1996 c. 56.
M3 1998 c. 31.
M4 1999 c. 14.
M5 1988 c. 40.
M6 1984 c. 56.

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M1 1996 c. 56.
M2 1996 c. 56.
M3 1998 c. 31.
M4 1999 c. 14.
M5 1988 c. 40.
M6 1984 c. 56.

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