

SCHEDULE

Regulation 2(f)

Offences which disqualify persons from private fostering and registering under Article 118 of the Order

1. Offences specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968(1), the Homosexual Offences (Northern Ireland) Order 1982(2), Schedule 1 to the Children and Young Persons Act 1933(3) and Schedule 1 to the Criminal Procedure (Scotland) Act 1975(4).

2. Any offence involving injury or threat of injury to another person.

3. Offences under any of the following—

- (a) Article 37(1)(b) or (c) of the Adoption (Northern Ireland) Order 1987(5), section 36(1)(b) or (c) of the Adoption Act 1976(6) or section 36(1)(b) or (c) of the Adoption (Scotland) Act 1978 (refusing to allow the visiting of a protected child or inspection of the premises or refusing to comply with or obstructing the removal of the child);
- (b) Article 63(15), 68 or 69(9) of the Order, section 9(1)(e) and (f), 32(3), 140(6) 144(3) of the Children and Young Persons Act (Northern Ireland) 1968(7), section 44(15), 49 or 50(9) of the Children Act 1989, section 17(8) or 71 of the Social Work (Scotland) Act 1968, sections 6 to 10 of the Child Abduction Act 1984(8) or section 32(3) of the Children and Young Persons Act 1969(9); (offences of intentional obstruction of a person executing an emergency protection order, a place of safety order, or abduction or obstruction of lawful recovery of an abducted child);
- (c) Article 132 of the Order, section 14 of the Children and Young Persons Act (Northern Ireland) 1968 or section 78 of the Children Act 1989 (providing day care or acting as a child minder in unregistered premises or contravening an enforcement order);
- (d) Article 79(3) of the Order, section 127(5) or 129(3) of the Children and Young Persons Act (Northern Ireland) 1968(10), section 99(5) or 101(3) of the Children and Young Persons Act (Northern Ireland) 1950, paragraph 1(5) of Schedule 5 to the Children Act 1989, section 57(5) of the Child Care Act 1980 or section 29(5) of the Children Act 1948 (carrying on a voluntary home without it being registered or in contravention of a condition attached to registration);
- (e) Article 95(3) of the Order or section 63(10) of the Children Act 1989 (caring for and accommodating a child in a children's home which is not registered), or Article 97(4) of

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- (1) 1968 c. 34 (N.I.); Schedule 1 has been amended by Article 12 of, and Schedule 1 to, the Criminal Justice (Northern Ireland) Order 1980 (S.I. 1980/704 (N.I. 6)); Article 7(2) of the Child Abduction (Northern Ireland) Order 1985 (S.I. 1985/1638 (N.I. 17)); Schedule 5 to the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)) and paragraph 54 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)). Reference in the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978/1047 (N.I. 17)) to offences under Schedule 1 include an offence under the Protection of Children (Northern Ireland) Order 1978
 - (2) S.I. 1982/1536 (N.I. 19)
 - (3) 1933 c. 12; Schedule 1 has been amended by sections 48 and 51 of, and Schedules 3 and 4 to, the Sexual Offences Act 1956 (c. 69), section 1(5) of the Protection of Children Act 1978 (c. 37) as supplemented by section 160 of the Criminal Justice Act 1988 (c. 33) and further amended by section 170 of, and paragraphs 8 and 9 of Schedule 15 to, that Act and Schedule 16 to that Act
 - (4) 1975 c. 21; Schedule 1 has been amended by section 21 of, and Schedules 1 and 2 to, the Sexual Offences (Scotland) Act 1976 (c. 67). Section 3(2) of, and Schedule 2 to, the Incest and Related Offences Act 1986 (c. 36) and section 170 of, and paragraphs 50 and 51 of Schedule 15 to, the Criminal Justice Act 1988
 - (5) Article 37(1)(c) is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
 - (6) Section 36(1)(c) was repealed by Schedule 15 to the Children Act 1989
 - (7) Part I and section 32 of the Act are repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
 - (8) 1984 c. 37
 - (9) 1969 c. 54; section 32(3) was amended by paragraph 16 of Schedule 2 to the Health and Social Services and Social Security Adjudications Act 1983 (c. 41)
 - (10) Part VIII of the Act is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the Order or paragraph 2(3) of Schedule 6 to the Children Act 1989 (breach of conditions attaching to registration of registered children's home);

- (f) Article 117 of the Order, section 9(1) of the Children and Young Persons Act (Northern Ireland) 1968, section 2(8) of the Children and Young Persons Act (Northern Ireland) 1950, section 70 of the Children Act 1989, section 16 of the Foster Children Act 1980, section 14 of the Children Act 1958 or section 15 of the Foster Children (Scotland) Act 1984 (offences in respect of private fostering);
- (g) section 6(5), 60(3), 61, 62 or 68(3) of the Social Work (Scotland) Act 1968 (refusal of registration and offences in respect of day care or residential care);
- (h) the common law offence in Scotland of plagiary (theft of a child below the age of puberty);
- (i) section 52(1)(a) or section 52A of the Civic Government (Scotland) Act 1982⁽¹¹⁾ (offences relating to indecent photography of children).

(11) 1982 c. 45; section 52A was inserted by section 161 of the Criminal Justice Act 1988