

*Status: Point in time view as at 02/04/2018.*

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## SCHEDULES

### <sup>F1</sup>SCHEDULE 1

Sections 6, 54 and 66.

#### Textual Amendments

- F1** Sch. 1 repealed (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), [Sch. 3 para. 41\(e\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

### SCHEDULE 2

Section 72.

#### THE CHILDREN'S COMMISSIONER FOR WALES

##### *Status*

- 1 (1) The Commissioner is to be a corporation sole.
- (2) The Commissioner is not to be regarded as the servant or agent or the Crown or as enjoying any status, immunity or privilege of the Crown; and the Commissioner's property is not to be regarded as property of, or property held on behalf of, the Crown.

#### Commencement Information

- I1** Sch. 2 para. 1 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

##### *Appointment and tenure of office*

- 2 Regulations may make provision—
  - (a) as to the appointment of the Commissioner (including any conditions to be fulfilled for appointment);
  - (b) as to the filling of vacancies in the office of Commissioner;
  - (c) as to the tenure of office of the Commissioner (including the circumstances in which he ceases to hold office or may be removed or suspended from office).

#### Commencement Information

- I2** Sch. 2 para. 2 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

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### *Remuneration*

- 3 The [<sup>F2</sup>Welsh Ministers] shall—
- (a) pay the Commissioner such remuneration and allowances; and
  - (b) pay, or make provision for the payment of, such pension or gratuities to or in respect of him,
- as may be provided for under the terms of his appointment.

#### **Textual Amendments**

- F2** Words in Sch. 2 para. 3 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(2)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of [Government of Wales Act 2006 \(c. 32\)](#)

#### **Commencement Information**

- I3** Sch. 2 para. 3 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### *Staff*

- 4 (1) The Commissioner may appoint any staff he considers necessary for assisting him in the exercise of his functions, one of whom shall be appointed as deputy Commissioner.
- (2) During any vacancy in the office of Commissioner or at any time when the Commissioner is for any reason unable to act, the deputy Commissioner shall exercise his functions (and any property or rights vested in the Commissioner may accordingly be dealt with by the deputy as if vested in him).
- (3) Without prejudice to sub-paragraph (2), any member of the Commissioner’s staff may, so far as authorised by him, exercise any of his functions.

#### **Commencement Information**

- I4** Sch. 2 para. 4 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### *General powers*

- 5 (1) Subject to any directions given by the [<sup>F3</sup>Welsh Ministers], the Commissioner may do anything which appears to him to be necessary or expedient for the purpose of, or in connection with, the exercise of his functions.
- (2) That includes, in particular—
- (a) co-operating with other public authorities in the United Kingdom;
  - (b) acquiring and disposing of land and other property; and
  - (c) entering into contracts.

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### Textual Amendments

- F3** Words in Sch. 2 para. 5 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(3)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

### Commencement Information

- I5** Sch. 2 para. 5 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### Estimates

- 6 (1) For each financial year after the first, the Commissioner shall prepare, and submit to the [<sup>F4</sup>Welsh Ministers], an estimate of his income and expenses.
- (2) Each such estimate shall be submitted to the [<sup>F5</sup>Welsh Ministers] at least five months before the beginning of the financial year to which it relates.
- (3) The [<sup>F6</sup>Welsh Ministers] shall examine each such estimate submitted to [<sup>F7</sup>them] and, after having done so, shall lay the estimate before the Assembly with any such modifications as [<sup>F8</sup>the Welsh Ministers think] fit.
- (4) Regulations shall specify the periods which are to be treated as the first and subsequent financial years of the Commissioner.
- <sup>F9</sup>(5) .....

### Textual Amendments

- F4** Words in Sch. 2 para. 6(1) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(a)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F5** Words in Sch. 2 para. 6(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(b)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F6** Words in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)(i)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F7** Word in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)(ii)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)
- F8** Words in Sch. 2 para. 6(3) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(4)(c)**

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(iii), the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

- F9** Sch. 2 para. 6(5) omitted by virtue of The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 74(4)(d)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

#### Commencement Information

- I6** Sch. 2 para. 6 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

#### Accounts

- 7 (1) The Commissioner shall keep proper accounting records.
- (2) The Commissioner shall prepare accounts for each financial year in such form as the [<sup>F10</sup>Welsh Ministers] may with the consent of the Treasury determine.

#### Textual Amendments

- F10** Words in Sch. 2 para. 7 substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 74(5)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

#### Commencement Information

- I7** Sch. 2 para. 7 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

#### Reports

- 8 Regulations may provide for the Commissioner to make periodic or other reports to the [<sup>F11</sup>Welsh Ministers] relating to the exercise of his functions and may require the reports to be published in the manner required by the regulations.

#### Textual Amendments

- F11** Words in Sch. 2 para. 8 substituted by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), art. 3, **Sch. 1 para. 74(6)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see ss. 46, 161(5) of Government of Wales Act 2006 (c. 32)

#### Commencement Information

- I8** Sch. 2 para. 8 in force for W. at 13.11.2000 by S.I. 2000/2992, art. 2(1), **Sch. 1**

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### *Audit*

- 9 (1) The accounts prepared by the Commissioner for any financial year shall be submitted by him to the Auditor General for Wales not more than five months after the end of that year.
- (2) The Auditor General for Wales shall—
- (a) examine and certify any accounts submitted to him under this paragraph; and
  - (b) no later than four months after the accounts are submitted to him, lay before the Assembly a copy of them as certified by him together with his report on them.
- (3) In examining any accounts submitted to him under this paragraph, the Auditor General for Wales shall, in particular, satisfy himself that the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority which governs it.

#### **Commencement Information**

**I9** Sch. 2 para. 9 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), [Sch. 1](#)

### *Accounting officer*

- 10 (1) The accounting officer for the Commissioner’s Office shall be the Commissioner.
- (2) The accounting officer for the Commissioner shall have, in relation to the accounts of the Commissioner and the finances of the Commissioner’s Office, the responsibilities which are from time to time specified by the Treasury.
- (3) In this paragraph references to responsibilities include in particular—
- (a) responsibilities in relation to the signing of accounts;
  - (b) responsibilities for the propriety and regularity of the finances of the Commissioner’s Office; and
  - (c) responsibilities for the economy, efficiency and effectiveness with which the resources of the Commissioner’s Office are used.
- (4) The responsibilities which may be specified under this paragraph include responsibilities owed to—
- (a) the Assembly, the <sup>F12</sup>Welsh Ministers] or the Audit Committee; or
  - (b) the House of Commons or its Committee of Public Accounts.
- (5) If requested to do so by the House of Commons Committee of Public Accounts, the Audit Committee may—
- (a) on behalf of the Committee of Public Accounts take evidence from the accounting officer for the Commissioner’s Office; and
  - (b) report to the Committee of Public Accounts and transmit to that Committee any evidence so taken.
- (6) In this paragraph and paragraphs 11 and 12 “the Commissioner’s Office” means the Commissioner and the members of his staff.

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**Textual Amendments**

**F12** Words in Sch. 2 para. 10(4)(a) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(7)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

**Commencement Information**

**I10** Sch. 2 para. 10 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

*Examinations into use of resources*

- 11 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which the Commissioner has used the resources of the Commissioner’s Office in discharging his functions.
- (2) Sub-paragraph (1) shall not be construed as entitling the Auditor General for Wales to question the merits of the policy objectives of the Commissioner.
- (3) In determining how to exercise his functions under this paragraph, the Auditor General for Wales shall take into account the views of the Audit Committee as to the examinations which he should carry out under this paragraph.
- (4) The Auditor General for Wales may lay before the Assembly a report of the results of any examination carried out by him under this paragraph.
- (5) The Auditor General for Wales and the Comptroller and Auditor General may cooperate with, and give assistance to, each other in connection with the carrying out of examinations in respect of the Commissioner under this paragraph or section 7 of the <sup>M1</sup>National Audit Act 1983 (economy etc. examinations).

**Commencement Information**

**I11** Sch. 2 para. 11 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

**Marginal Citations**

**M1** 1983 c. 44.

*Examinations by the Comptroller and Auditor General*

<sup>F13</sup>12 .....

**Textual Amendments**

**F13** Sch. 2 para. 12 omitted (1.4.2018) by virtue of [Wales Act 2017 \(c. 4\)](#), s. 71(4), **Sch. 6 para. 56** (with [Sch. 7 paras. 1, 6](#)); [S.I. 2017/1179](#), reg. 3(r)

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### *Evidence*

- 13 A document purporting to be duly executed under the seal of the Commissioner or to be signed by him or on his behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

#### **Commencement Information**

**I12** Sch. 2 para. 13 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### *Payments*

- 14 The [<sup>F14</sup>Welsh Ministers] may make payments to the Commissioner of such amounts, at such times and on such conditions (if any) as it considers appropriate.

#### **Textual Amendments**

**F14** Words in Sch. 2 para. 14 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(8)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

#### **Commencement Information**

**I13** Sch. 2 para. 14 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### *General*

- 15 In the <sup>M2</sup>House of Commons Disqualification Act 1975, in Part III of Schedule 1 (certain disqualifying offices), the following entries are inserted at the appropriate places—

“Children’s Commissioner for Wales.”

“Member of the staff of the Children’s Commissioner for Wales.”

#### **Commencement Information**

**I14** Sch. 2 para. 15 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

#### **Marginal Citations**

**M2** 1975 c. 24.

- 16 In the <sup>M3</sup>Northern Ireland Assembly Disqualification Act 1975, the same entries as are set out in paragraph 15 are inserted at the appropriate places in Part III of Schedule 1.

#### **Commencement Information**

**I15** Sch. 2 para. 16 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

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### Marginal Citations

**M3** 1975 c. 25.

- 17 (1) Regulations may provide that the office of Children’s Commissioner for Wales shall be added to the list of “ Offices ” in Schedule 1 to the <sup>M4</sup>Superannuation Act 1972 (offices etc. to which section 1 of that Act applies).
- (2) The [<sup>F15</sup>Welsh Ministers] shall pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to provision made under sub-paragraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

### Textual Amendments

**F15** Words in Sch. 2 para. 17(2) substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 74(9)**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

### Commencement Information

**I16** Sch. 2 para. 17 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### Marginal Citations

**M4** 1972 c.11.

- 18 In section 144 of the <sup>M5</sup>Government of Wales Act 1998 (accounts etc.), in subsection (8)(a), after “the Welsh Administration Ombudsman” there shall be inserted “ the Children’s Commissioner for Wales ”.

### Commencement Information

**I17** Sch. 2 para. 18 in force for W. at 13.11.2000 by [S.I. 2000/2992](#), art. 2(1), **Sch. 1**

### Marginal Citations

**M5** 1998 c. 38.

## [<sup>F16</sup>SCHEDULE 2A

### PERSONS SUBJECT TO REVIEW BY THE COMMISSIONER UNDER SECTION 72B.

### Textual Amendments

**F16** Sch. 2A inserted (26.8.2001 for W.) by [2001 c. 18, s. 3\(2\)](#), **Sch. Pt. 1**; [S.I. 2001/2783](#), **art. 2(2)(c)**

### Commencement Information

**I18** Sch. 2A in force for W. at 26.8.2001 by [S.I. 2001/2782](#), **art. 2(2)(j)**



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- 1 Any county council, county borough council or community council in Wales.
- 2 Any Health Authority for an area in, or consisting of, Wales.
- [<sup>F17</sup>2A Any Local Health Board for an area in, or consisting of, Wales.]

**Textual Amendments**

**F17** Sch. 2A para. 2A inserted (1.4.2007) by The References to [Health Authorities Order 2007 \(S.I. 2007/961\)](#), art. 3, **Sch. para. 30(5)**

- 3 Any National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales.
- 4 <sup>F18</sup> .....

**Textual Amendments**

**F18** Sch. 2A para. 4 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 46** (with transitional provisions in art. 7)

- 5 Any further education corporation within the meaning of section 17(1) of the Further and Higher Education Act 1992 (c. 13) which conducts an institution in Wales.
- 6 Any higher education corporation within the meaning of section 90(1) of the Further and Higher Education Act 1992 which conducts an institution in Wales.
- 7 Any institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992.
- 8 Any institution in Wales in relation to which a designation under section 28 of the Further and Higher Education Act 1992 has effect, which on the date the designation took effect was an institution falling within subsection (2)(a) of that section.
- 9 Any governing body of a school in Wales which is a maintained school within the meaning of section 20(7) of the School Standards and Framework Act 1998 (c. 31).
- 10 Her Majesty’s Chief Inspector of Education and Training in Wales.
- [<sup>F19</sup>10A Qualifications Wales.]

**Textual Amendments**

**F19** Sch. 2A para. 10A inserted (21.9.2015) by [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 1 para. 36**; S.I. 2015/1687, art. 2 (with arts. 3-12)

- 11 Any agricultural wages committee for an area wholly in, or consisting of, Wales.
- 12 A National Park authority for a National Park in Wales.
- 13 The Arts Council of Wales.
- 14 [<sup>F20</sup>Social Care Wales] .

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**Textual Amendments**

**F20** Words in Sch. 2A para. 14 substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 44**; S.I. 2017/309, art. 2(j) (with arts. 3, 4, Sch.)

15           <sup>F21</sup>The Natural Resources Body for Wales].

**Textual Amendments**

**F21** Words in Sch. 2A para. 15 substituted (1.4.2013) by [The Natural Resources Body for Wales \(Functions\) Order 2013 \(S.I. 2013/755\)](#), art. 1(2), **Sch. 2 para. 397** (with Sch. 7)

16           The National Library of Wales.

17           The National Museums and Galleries of Wales.

18           <sup>F22</sup> .....

**Textual Amendments**

**F22** Sch. 2A para. 18 omitted (1.4.2006) by virtue of [The Qualifications, Curriculum and Assessment Authority for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3239\)](#), art. 9, **Sch. 1 para. 29** (with art. 7)

19           The Royal Commission on the Ancient and Historical Monuments of Wales.

20           The Sports Council for Wales.

21           <sup>F23</sup> .....

**Textual Amendments**

**F23** Sch. 2A para. 21 omitted (23.11.2005) by virtue of [The Wales Tourist Board \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3225\)](#), art. 6(2), **Sch. 2 Pt. 1 para. 4** (with art. 3)

22           <sup>F24</sup> .....

**Textual Amendments**

**F24** Sch. 2A para. 22 omitted (23.11.2005) by virtue of [The Welsh Development Agency \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3226\)](#), art. 7(1), **Sch. 2 Pt. 1 para. 12** (with art. 3)

<sup>F25</sup>23       Comisiynydd y Gymraeg (The Welsh Language Commissioner).]

**Textual Amendments**

**F25** Words in Sch. 2A para. 23 substituted (1.4.2012) by [The Welsh Language \(Wales\) Measure 2011 \(Transfer of functions, Transitional and Consequential Provisions\) Order 2012 \(S.I. 2012/990\)](#), arts. 1(2), 7

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24 F26 ..... ]

#### Textual Amendments

**F26** Sch. 2A para. 24 omitted (1.8.2004) by virtue of [The Health Act 1999 \(Consequential Amendments\) \(Nursing and Midwifery\) Order 2004 \(S.I. 2004/1771\)](#), art. 3, **Sch. para. 2(b)**

### [<sup>F27</sup>SCHEDULE 2B

PERSONS WHOSE ARRANGEMENTS ARE SUBJECT TO  
REVIEW BY THE COMMISSIONER UNDER SECTION 73.

#### Textual Amendments

**F27** Sch. 2B inserted (26.8.2001 for W.) by [2001 c. 18, s. 4\(10\)](#), **Sch. Pt. 2**; [S.I. 2001/2783](#), **art. 2(2)(d)**

#### Commencement Information

**I19** Sch. 2B in force for W. at 26.8.2001 by [S.I. 2001/2782](#), **art. 2(2)(k)**

1 [<sup>F28</sup>The Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Assembly Government].

#### Textual Amendments

**F28** Words in Sch. 2B para. 1 substituted by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\)](#), art. 3, **Sch. 1 para. 75**, the amendment coming into force immediately after the end of "the initial period" (which ended with the day of the first appointment of a First Minister on 25.5.2007) in accordance with art. 1(2) of the amending S.I. and see [ss. 46, 161\(5\) of Government of Wales Act 2006 \(c. 32\)](#)

2 Any county council or county borough council in Wales.

3 Any Health Authority for an area in, or consisting of, Wales.

[<sup>F29</sup>3A Any Local Health Board for an area in, or consisting of Wales]

#### Textual Amendments

**F29** Sch. 2B para. 3A inserted (1.4.2007) by [The References to Health Authorities Order 2007](#), art. 3, {Sch. para. 30(6)}

#### Textual Amendments

**F29** Sch. 2B para. 3A inserted (1.4.2007) by [The References to Health Authorities Order 2007](#), art. 3, {Sch. para. 30(6)}

4 Any National Health Service trust all or most of whose hospitals, establishments and facilities are situated in Wales.

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5 F30 .....

#### Textual Amendments

**F30** Sch. 2B para. 5 omitted (1.4.2006) by virtue of [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 47** (with transitional provisions in art. 7)

- 6 Any further education corporation within the meaning of section 17(1) of the Further and Higher Education Act 1992 (c. 13) which conducts an institution in Wales.
- 7 Any higher education corporation within the meaning of section 90(1) of the Further and Higher Education Act 1992 which conducts an institution in Wales.
- 8 Any institution in Wales falling within section 91(5)(a) of the Further and Higher Education Act 1992.
- 9 Any institution in Wales in relation to which a designation under section 28 of the Further and Higher Education Act 1992 has effect, which on the date the designation took effect was an institution falling within subsection (2)(a) of that section.
- 10 Any governing body of a school in Wales which is a maintained school within the meaning of section 20(7) of the School Standards and Framework Act 1998 (c. 31).]

### SCHEDULE 3

Section 79.

#### CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

#### Commencement Information

**I20** 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 <sup>M6</sup>Education Act 1996;

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- (d) an independent school.
- (2) The provision mentioned in sub-paragraph (1) is provision of day care made by—
  - (a) the 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.
- (3) In sub-paragraph (1)—
  - “assisted” has the same meaning as in the <sup>M7</sup>Education Act 1996;
  - “maintained school” has the meaning given by section 20(7) of the <sup>M8</sup>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—
  - (a) in an appropriate children's home;
  - (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 <sup>M9</sup>Protection of Children Act 1999;
  - (b) he is included on the grounds mentioned in subsection (6ZA)(c) of section 218 of the <sup>M10</sup>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;

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- (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 <sup>M11</sup>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,
- 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.

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- (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.

#### *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**

**M6** 1996 c. 56.  
**M7** 1996 c. 56.  
**M8** 1998 c. 31.  
**M9** 1999 c. 14.  
**M10** 1988 c. 40.  
**M11** 1984 c. 56.

#### **Marginal Citations**

**M6** 1996 c. 56.  
**M7** 1996 c. 56.  
**M8** 1998 c. 31.  
**M9** 1999 c. 14.  
**M10** 1988 c. 40.  
**M11** 1984 c. 56.

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SCHEDULE 4

Section 116.

MINOR AND CONSEQUENTIAL AMENDMENTS

*National Assistance Act 1948 (c.29)*

- 1 (1) Section 26 of the National Assistance Act 1948 (provision of accommodation in premises maintained by voluntary organisations) shall be amended as follows.
- (2) In subsection (1), for “(1B)” there shall be substituted “ (1C) ”.
- (3) For subsections (1A) and (1B) there shall be substituted—
  - “(1A) Arrangements must not be made by virtue of this section for the provision of accommodation together with nursing or personal care for persons such as are mentioned in section 3(2) of the Care Standards Act 2000 (care homes) unless—
  - (a) the accommodation is to be provided, under the arrangements, in a care home (within the meaning of that Act) which is managed by the organisation or person in question; and
  - (b) that organisation or person is registered under Part II of that Act in respect of the home.”
- (4) In subsection (1C), for the words from “no” to “person” there shall be substituted “ no arrangements may be made by virtue of this section for the provision of accommodation together with nursing ”.

**Commencement Information**

**I21** Sch. 4 para. 1 wholly in force at 1.4.2002; Sch. 4 para. 1 not in force at Royal Assent see s. 122; Sch. 4 para. 1 in force for E. at 1.4.2002 by [S.I. 2001/4150, arts. 1\(2\), 3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493, art. 4](#)) (as amended by [S.I. 2002/1493, art. 6](#)); Sch. 4 para. 1 in force for W. at 1.4.2002 by [S.I. 2002/920, arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#)) and to transitional provisions in [Schs. 1-3](#))

*Mental Health Act 1959 (c.72)*

2 <sup>F31</sup> .....

**Textual Amendments**

**F31** Sch. 4 para. 2 repealed (1.5.2004) by [Sexual Offences Act 2003 \(c. 42\), ss. 140, 141, Sch. 7; S.I. 2004/874, art. 2](#)

*Children and Young Persons Act 1969 (c.54)*

<sup>F32</sup>3 .....



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#### Textual Amendments

- F32** Sch. 4 para. 3 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 45](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

#### *Local Authority Social Services Act 1970 (c.42)*

- 4 In Schedule 1 to the Local Authority Social Services Act 1970 (enactments conferring functions assigned to social services committee), in the entry relating to the 1989 Act, for “registered” there shall be substituted “ private ” and for “residential care, nursing or mental nursing homes or in independent schools” there shall be substituted “ care homes, independent hospitals or schools ”.

#### Commencement Information

- I22** Sch. 4 para. 4 wholly in force at 1.4.2002; Sch. 4 para. 4 not in force at Royal Assent see s. 122; Sch. 4 para. 4 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), art. 4) (as amended by [S.I. 2002/1493](#), art. 6); Sch. 4 para. 4 in force for W. at 1.4.2002 by [S.I. 2002/920](#), arts. 1(4), [3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#)) and to transitional provisions in [Schs. 1-3](#))

#### *Adoption Act 1976 (c.36)*

- 5 **F33** .....

#### Textual Amendments

- F33** Sch. 4 para. 5 repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139(3), 148, [Sch. 5](#) (with [Sch. 4](#) paras. 6-8); S.I. 2005/2897, [art. 2\(b\)](#)

#### *Adoption (Scotland) Act 1978 (c.28)*

- F34**<sub>6</sub> .....

#### Textual Amendments

- F34** Sch. 4 para. 6 repealed (S.) (28.9.2009) by [Adoption and Children \(Scotland\) Act 2007 \(asp 4\)](#), ss. 120(2), 121(2), [sch. 3](#); S.S.I. 2009/267, arts. 1(2), [2](#); and Sch. 4 para. 6, in so far as it is still in force, also expressed to be repealed (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), art. 1(2), [Sch. 2 Pt. 3](#)

#### *Magistrates' Court Act 1980 (c. 43)*

- 7 **F35** .....

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**Textual Amendments**

**F35** Sch. 4 para. 7 repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), ss. 109(3), 110, [Sch. 10](#); S.I. 2005/910, art. 3(aa)

*Limitation Act 1980 (c.58)*

8 <sup>F36</sup> .....

**Textual Amendments**

**F36** Sch. 4 para. 8 repealed (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), ss. 67(2), 68(1)-(3), [Sch. 7](#); S.I. 2007/1897, [art. 2\(1\)](#)

*Mental Health Act 1983 (c.20)*

- 9 (1) The Mental Health Act 1983 shall be amended as follows.
- (2) In sections 12(3), 23(3), 24(3), 46(1), 64(1), 119(2), 120(1) and (4), 131(1), 132(1), (2) and (4) and 133(1), for “mental nursing home” and “mental nursing homes” in each place where they occur, there shall be substituted, respectively, “ registered establishment ” and “ registered establishments ”.
- <sup>F37</sup>(3) .....
- (4) In section 34—
  - (a) in subsection (1), after the definition of “the nominated medical attendant” there shall be inserted—
 

““registered establishment” means an establishment—

    - (a) which would not, apart from subsection (2) below, be a hospital for the purposes of this Part; and
    - (b) in respect of which a person is registered under Part II of the Care Standards Act 2000 as an independent hospital in which treatment or nursing (or both) are provided for persons liable to be detained under this Act;”
  - and
  - (b) in subsection (2), for the words from “a mental” to “1984” there shall be substituted “ a registered establishment ”.
- (5) In section 116(1) (welfare of certain hospital patients), for “or nursing home” there shall be substituted “ , independent hospital or care home ”.
- (6) In section 118(1) (code of practice)—
  - (a) for the first “and mental nursing homes” there shall be substituted “ , independent hospitals and care homes ”; and
  - (b) for the second “and mental nursing homes” there is substituted “ and registered establishments ”.
- (7) In section 121 (Mental Health Act Commission)—

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- (a) in subsection (4), for “and mental nursing homes” there shall be substituted “, independent hospitals and care homes”; and
  - (b) in subsection (5), in paragraphs (a) and (b), for “a mental nursing home” there shall be substituted “ an independent hospital or a care home ”.
- (8) In section 127(1) (ill-treatment of patients), for “or mental nursing home” there shall be substituted “ , independent hospital or care home ”.
- (9) In section 135(6) (warrant to search for and remove patients) for “a mental nursing home or residential home” there shall be substituted “ an independent hospital or care home ”.
- (10) In section 145(1) (interpretation)—
- (a) after the definition of “approved social worker” there shall be inserted—
    - ““care home” has the same meaning as in the Care Standards Act 2000”;
  - (b) after the definition of “hospital order” and “guardianship order” there shall be inserted—
    - ““independent hospital” has the same meaning as in the Care Standards Act 2000;”
  - (c) in the definition of “the managers”, for paragraph (c) there shall be substituted—
    - “(c) in relation to a registered establishment, the person or persons registered in respect of the establishment;”
- and
- (d) after the definition of “Primary Care Trust” there shall be inserted—
    - ““registered establishment” has the meaning given in section 34 above;”.

#### Textual Amendments

**F37** Sch. 4 para. 9(3) omitted (1.7.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), [ss. 39\(4\)\(c\)](#), [306\(4\)](#); [S.I. 2012/1319](#), [art. 2\(3\)](#)

#### Commencement Information

**I23** Sch. 4 para. 9 wholly in force at 1.4.2002; Sch. 4 para. 9 not in force at Royal Assent see s. 122; Sch. 4 para. 9 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\)](#), [3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#)); Sch. 4 para. 9 in force for W. at 1.4.2002 by [S.I. 2002/920](#), [arts. 1\(4\)](#), [3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

#### *Public Health (Control of Disease) Act 1984 (c.22)*

- 10 In section 7(4) of the Public Health (Control of Disease) Act 1984 (port health district and authority for Port of London), paragraphs (h) and (i) and the “and” following paragraph (i) shall be omitted.

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#### Commencement Information

- I24** Sch. 4 para. 10 partly in force; Sch. 4 para. 10 not in force at Royal Assent see s. 122; Sch. 4 para. 10 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\), 3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#))

#### *Disabled Persons (Services, Consultation and Representation) Act 1986 (c.33)*

- 11 In section 2(5)(d) of the Disabled Persons (Services, Consultation and Representation) Act 1986 (rights of authorised representatives of disabled persons), for “a residential care home within the meaning of Part I of the Registered Homes Act 1984” there shall be substituted “ a care home within the meaning of the Care Standards Act 2000 ”.

#### Commencement Information

- I25** Sch. 4 para. 11 wholly in force at 1.4.2002; Sch. 4 para. 11 not in force at Royal Assent see s. 122; Sch. 4 para. 11 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\), 3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#)); Sch. 4 para. 11 in force for W. at 1.4.2002 by [S.I. 2002/920](#), [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

#### PROSPECTIVE

#### *Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I.22))*

- 12 In Article 11(2) of the Adoption (Northern Ireland) Order 1987 (restriction on arranging adoptions and placing children), for “approved as respects England and Wales under section 3 of the Adoption Act 1976 or as respects Scotland” there shall be substituted “ in respect of which a person is registered under Part II of the Care Standards Act 2000 or <sup>F38</sup>... as respects Scotland ”.

#### Textual Amendments

- F38** Words in Sch. 4 para. 12 repealed (15.7.2011) by [The Adoption and Children \(Scotland\) Act 2007 \(Consequential Modifications\) Order 2011 \(S.I. 2011/1740\)](#), [art. 1\(2\)](#), [Sch. 1 Pt. 3](#)

#### *Income and Corporation Taxes Act 1988 (c.40)*

- 13 <sup>F39</sup> .....

#### Textual Amendments

- F39** Sch. 4 para. 13 repealed (6.4.2003 with effect as mentioned in s. 723(1) (subject to Sch. 7) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), s. 724, [Sch. 8 Pt. 1](#)

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*Children Act 1989 (c.41)*

- 14 (1) The 1989 Act shall be amended as follows.
- (2) In section 19 (review of provision of day care, child minding etc.)—
- (a) in subsection (1)(c), for “section 71(1)(b)” there shall be substituted “ Part XA ”; and
  - (b) in subsection (5), for the definition of “relevant establishment” there shall be substituted—
    - ““relevant establishment” means—
    - (a) in relation to Scotland, any establishment which is mentioned in paragraphs 3 and 4 of Schedule 9 (establishments exempt from the registration requirements which apply in relation to the provision of day care in Scotland); and
    - (b) in relation to England and Wales, any establishment which is mentioned in paragraphs 1 and 2 of Schedule 9A (establishments exempt from the registration requirements which apply in relation to the provision of day care in England and Wales);”.
- (3) In section 23 (provision of accommodation and maintenance by local authority for children whom they are looking after)—
- (a) in subsection (2), for paragraphs (b) to (e) there shall be substituted—
    - “(aa) maintaining him in an appropriate children’s home;”;
  - (b) after subsection (2) there shall be inserted—
    - “(2A) Where under subsection (2)(aa) a local authority maintains a child in a home provided, equipped and maintained by the Secretary of State under section 82(5), it shall do so on such terms as the Secretary of State may from time to time determine.”;
- and
- (c) after subsection (9) there shall be inserted—
    - “(10) In this Act—
    - “appropriate children’s home” means a children’s home in respect of which a person is registered under Part II of the Care Standards Act 2000; and
    - “children’s home” has the same meaning as in that Act.”
- [<sup>F40</sup>(4) In section 24 (advice and assistance for certain children) <sup>F41</sup> . . . —
- (a) in subsections (2)(c) and (12)(a), for “registered” there shall be substituted “ private ”; and
  - (b) in subsections (2)(d)(ii) and (12)(c), for “residential care home, nursing home or mental nursing home” there shall be substituted “ care home or independent hospital ”.]
- (5) . . . . .
- <sup>F42</sup>(6) . . . . .

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- (7) In section 51(1) (refuges for children at risk), for “registered” there shall be substituted “private”.
- (8) In section 59 (provision of accommodation by voluntary organisations)—
- (a) in subsection (1), for paragraphs (b) to (e) there shall be substituted—
 

“(aa) maintaining him in an appropriate children’s home;”;
  - and
  - (b) after that subsection there shall be inserted—
 

“(1A) Where under subsection (1)(aa) a local authority maintains a child in a home provided, equipped and maintained by the Secretary of State under section 82(5), it shall do so on such terms as the Secretary of State may from time to time determine.”
- (9) In section 60 (registration and regulation of voluntary homes)—
- (a) for the sidenote there shall be substituted “Voluntary homes.”; and
  - (b) for subsection (3) there shall be substituted—
 

“(3) In this Act “voluntary home” means a children’s home which is carried on by a voluntary organisation but does not include a community home.”
- (10) In section 62 (duties of local authorities in relation to children provided with accommodation by voluntary organisations)—
- (a) in subsection (6)(c), for “paragraph 7 of Schedule 5” there shall be substituted “section 22 of the Care Standards Act 2000”; and
  - (b) after subsection (9) there shall be inserted—
 

“(10) This section does not apply in relation to any voluntary organisation which is a school.”
- (11) In section 63 (children not to be cared for and accommodated in unregistered children’s homes)—
- (a) for the sidenote there is substituted “Private children’s homes etc.”;
  - (b) in subsection (11), after “to” there shall be inserted “private”; and
  - (c) in subsection (12), after “treated” there shall be inserted “, for the purposes of this Act and the Care Standards Act 2000, ”.
- (12) In section 64 (welfare of children in children’s homes), in subsections (1) and (4), before “children’s home” there shall be inserted “private”.
- (13) In section 65 (persons disqualified from carrying on, or being employed in, children’s homes)—
- (a) in subsections (1) and (2), for “the responsible authority” and “their” there shall be substituted “the appropriate authority” and “its” respectively;
  - (b) in subsection (3), for the words from “an” to “they” there shall be substituted “the appropriate authority refuses to give its consent under this section, it”;
  - (c) for subsection (3)(b) there shall be substituted—
 

“(b) the applicant’s right to appeal under section 65A against the refusal to the Tribunal established under section 9 of the <sup>M12</sup>Protection of Children Act 1999”;

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and

(d) after subsection (5) there shall be inserted—

“(6) In this section and section 65A “appropriate authority” means—

- (a) in relation to England, the National Care Standards Commission; and
- (b) in relation to Wales, the National Assembly for Wales.”

(14) After section 65 there is inserted—

**“65A Appeal against refusal of authority to give consent under section 65.**

(1) An appeal against a decision of an appropriate authority under section 65 shall lie to the Tribunal established under section 9 of the <sup>M13</sup>Protection of Children Act 1999.

(2) On an appeal the Tribunal may confirm the authority’s decision or direct it to give the consent in question.”

(15) In section 66 (privately fostered children)—

- (a) in subsection (1)(a) after “accommodation” there shall be inserted “ in their own home ”; and
- (b) after subsection (4) there shall be inserted—

“(4A) The Secretary of State may by regulations make provision as to the circumstances in which a person who provides accommodation to a child is, or is not, to be treated as providing him with accommodation in the person’s own home.”

(16) In section 80 (inspection of children’s homes etc by persons authorised by Secretary of State)—

- (a) in subsections (1)(a) and (5)(c), before “children’s” there shall be inserted “ private ”;
- (b) in subsection (1)(i), after “71(1)(b)” there shall be added “ or with respect to which a person is registered for providing day care under Part XA ”;
- (c) for subsection (1)(j) there shall be substituted—
  - “(j) care home or independent hospital used to accommodate children;”

and

(d) in subsection (5), after paragraph (h) there shall be inserted—

“(hh) person who is the occupier of any premises—

- (i) in which any person required to be registered for child minding under Part XA acts as a child minder (within the meaning of that Part); or
- (ii) with respect to which a person is required to be registered under that Part for providing day care;”.

(17) In section 81(1) (inquiries)—

- (a) in paragraph (d), after “a” there shall be inserted “ private ”; and

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- (b) in paragraph (e), for “a residential care home, nursing home or mental nursing home” there shall be substituted “ a care home or independent hospital ”.
- (18) In section 82(6) (financial support by Secretary of State), in the definition of “child care training”, for “residential care home, nursing home or mental nursing home” there shall be substituted “ care home or independent hospital ”.
- (19) In section 83 (research and returns of information), in subsections (1)(c), (2)(c) and (3)(a)(ii), for “residential care home, nursing home or mental nursing home” there shall be substituted “ care home or independent hospital ”.
- (20) In section 86—
- (a) for the sidenote there shall be substituted “ Children accommodated in care homes or independent hospitals. ”; and
- (b) in subsections (1) and (5), for “residential care home, nursing home or mental nursing home” there shall be substituted “ care home or independent hospital ”.
- (21) For the sidenote to section 87 (welfare of children accommodated in independent schools) there shall be substituted “ Welfare of children in boarding schools and colleges. ”.
- (22) In section 102(6)(a) (power of constable to assist in exercise of certain powers to search for children or inspect premises), after “76,” there shall be inserted “ 79U, ”.
- (23) In section 105 (interpretation)—
- (a) in subsection (1)—
- <sup>F43</sup>(i) .....  
(ii) after the definition of “bank holiday” there shall be inserted—  
““care home” has the same meaning as in the Care Standards Act 2000;”
- <sup>F44</sup>(iii) .....  
(iv) in the definition of “day care”, after “care” there shall be inserted “ (except in Part XA) ”;
- (v) in the definition of “hospital”, after “hospital” there shall be inserted “ (except in Schedule 9A) ”;
- (vi) after the definition of “income-based jobseeker’s allowance” there shall be inserted—  
““independent hospital” has the same meaning as in the Care Standards Act 2000;”
- and
- (vii) after the definition of “prescribed” there shall be inserted—  
““private children’s home” means a children’s home in respect of which a person is registered under Part II of the Care Standards Act 2000 which is not a community home or a voluntary home;”;
- and
- (b) after subsection (5) there shall be inserted—  
“(5A) References in this Act to a child minder shall be construed—



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- (a) in relation to Scotland, in accordance with section 71;
  - (b) in relation to England and Wales, in accordance with section 79A.”.
- (24) In Schedule 3 (supervision orders), in paragraphs 4(2)(c)(ii) and 5(2)(c), for “or mental nursing home” there shall be substituted “, independent hospital or care home”.
- (25) In Schedule 6 (registered children’s homes)—
- (a) in the heading, for “Registered Children’s Homes” there shall be substituted “ Private Children’s Homes ”; and
  - (b) in paragraph 10(1)(a), for “registered” there shall be substituted “ private ”.
- (26) In paragraph 5(1) of Schedule 7 (foster parents: limit on number of foster children), after “treated” there shall be inserted “, for the purposes of this Act and the Care Standards Act 2000 ”.
- (27) In Schedule 8 (privately fostered children)—
- (a) in paragraph 2, sub-paragraph (1)(b) shall cease to have effect, and in sub-paragraph (2), for “(1)(b)” there shall be substituted “ (1)(c) ”; and
  - (b) in paragraph 9(1), for “2(1)(d)” there shall be substituted “ 2(1)(c) and (d) ”, and at the end there shall be inserted—
- “But this sub-paragraph does not apply to a school which is an appropriate children’s home.”.
- (28) For paragraph 2(1)(f) of Schedule 8 (privately fostered children) there shall be substituted—
- “(f) in any care home or independent hospital;”.
- (29) In paragraph 4(1) of Schedule 9 (child minding and day care for young children)—
- (a) for paragraphs (a) to (c) there shall be substituted—
- “(aa) an appropriate children’s home;”
- and
- (b) for paragraph (d) there shall be substituted—
- “(d) a care home;”.

#### Textual Amendments

- F40** Sch. 4 para. 14(4) repealed (E.) (1.10.2001) by [2000 c. 35, s. 4\(2\)](#); [S.I. 2001/2878, art. 2](#)
- F41** Words in Sch. 4 para. 14(4) repealed (30.11.2000) by [2000 c. 35, s. 7\(5\)\(a\)](#)
- F42** Sch. 4 para. 14(5)(6) repealed (30.11.2000) by [2000 c. 35, s. 7\(5\)\(b\)](#)
- F43** [Sch. 4 para. 14\(23\)\(a\)\(i\)](#) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [176\(a\)](#)
- F44** [Sch. 4 para. 14\(23\)\(a\)\(iii\)](#) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [176\(b\)](#)

#### Commencement Information

- I26** Sch. 4 para. 14 partly in force; Sch. 4 para. 14 not in force at Royal Assent see s. 122; Sch. 4 para. 14(15) in force for E. at 1.1.2001 by [S.I. 2000/2795, art. 2\(2\)\(b\)](#) (with [art. 3](#)); Sch. 4 para. 14(15) in force for W. at 28.2.2001 by [S.I. 2001/139, arts. 1\(3\), 2\(2\)\(b\)](#) (with transitional provisions in [art. 3](#)); Sch. 4 para. 14(1)(2)(16)(b)(d)(23)(a)(iv)(v)(b) in force for E. at 2.7.2001 by [S.I. 2001/2041, arts. 1\(4\), 2\(1\)\(d\)](#)

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(ii) (subject to art. 2(2)(3) and with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 14 para. 14(3)(7)-(9)(10)(a)(11)(12)(16)(a)(c)(17)-(21)(23)(a)(i)-(iii)(vi)(vii)(24)-(28) in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 14(1)-(3)(7)-(9)(10)(a)(11)-(14)(16)-(20)(22)-(29) in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3); Sch. 4 para. 14(13)(14) in force for E. at 1.4.2002 by S.I. 2002/1493, arts. 1(2), 3(2) (subject to transitional provisions in art. 4)

#### Marginal Citations

**M12** 1999 c. 14.

**M13** 1999 c. 14.

#### *National Health Service and Community Care Act 1990 (c.19)*

- 15 In section 48(1) of the National Health Service and Community Care Act 1990 (inspection of premises used for the provision of community care), for “the Registered Homes Act 1984” there shall be substituted “ Part II of the Care Standards Act 2000 ”.

#### Commencement Information

**I27** Sch. 4 para. 15 wholly in force at 1.4.2002; Sch. 4 para. 15 not in force at Royal Assent see s. 122; Sch. 4 para. 15 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 15 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

#### *Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (c.25)*

- 16 In paragraph 4(2)(a) of Schedule 2 to the Criminal Procedure (Insanity and Unfitness to Plead) Act 1991 (supervision and treatment orders), for “hospital or mental nursing home” there shall be substituted “ independent hospital or care home within the meaning of the Care Standards Act 2000 or in a hospital ”.

#### Commencement Information

**I28** Sch. 4 para. 16 wholly in force at 1.4.2002; Sch. 4 para. 16 not in force at Royal Assent see s. 122; Sch. 4 para. 16 in force for E. at 1.4.2002 by S.I. 2001/4150, arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in art. 4 and in S.I. 2002/1493, art. 4) (as amended by S.I. 2002/1493, art. 6); Sch. 4 para. 16 in force for W. at 1.4.2002 by S.I. 2002/920, arts. 1(4), 3(3) (subject to art. 3(4)-(10) and to transitional provisions in Schs. 1-3)

#### *Criminal Justice Act 1991 (c.53)*

F45 17 .....

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### Textual Amendments

**F45** Sch. 4 para. 17 omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 45](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))

### *Water Industry Act 1991 (c.56)*

18 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), for paragraphs 8 and 9 there shall be substituted—

“8 (1) A care home or independent hospital.

(2) In this paragraph—

“care home” means—

(a) a care home within the meaning of the Care Standards Act 2000;

(b) a building or part of a building in which residential accommodation is provided under section 21 of the <sup>M14</sup>National Assistance Act 1948;

“independent hospital” means an independent hospital within the meaning of the Care Standards Act 2000.

9 A children’s home within the meaning of the Care Standards Act 2000.”

### Commencement Information

**I29** Sch. 4 para. 18 wholly in force at 1.4.2002; Sch. 4 para. 18 not in force at Royal Assent see s. 122; Sch. 4 para. 18 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), art. 4) (as amended by [S.I. 2002/1493](#), art. 6); Sch. 4 para. 18 in force for W. at 1.4.2002 by [S.I. 2002/920](#), arts. 1(4), 3(3) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

### Marginal Citations

**M14** 1948 c. 29.

19 In Schedule 4A to the Water Industry Act 1991 (premises that are not to be disconnected for non-payment of charges), in paragraph 12 for “section 71(1)(b)” there shall be substituted “ Part XA ”.

### Commencement Information

**I30** Sch. 4 para. 19 wholly in force at 1.4.2002; Sch. 4 para. 19 not in force at Royal Assent see s. 122; Sch. 4 para. 19 in force for E. at 2.7.2001 by [S.I. 2001/2041](#), arts. 1(4), 2(1)(d)(i) (subject to [art. 2\(2\)\(3\)](#)) (with transitional, transitory and savings provisions in art. 3, Sch.); Sch. 4 para. 19 in force for W. at 1.4.2002 by [S.I. 2002/920](#), arts. 1(4), 3(3) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

### *Local Government Finance Act 1992 (c.14)*

20 In paragraph 7 of Schedule 1 to the Local Government Finance Act 1992 (persons disregarded for purposes of discount)—

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- (a) in sub-paragraph (1)(a), for “residential care home, nursing home, mental nursing home” there shall be substituted “ care home, independent hospital ”;
  - (b) in sub-paragraph (1)(b), after “home” there shall be inserted “ , hospital ”;
  - (c) for sub-paragraph (2), there shall be substituted—
    - “(2) In this paragraph—
    - “care home” means—
      - (a) a care home within the meaning of the Care Standards Act 2000; or
      - (b) a building or part of a building in which residential accommodation is provided under section 21 of the <sup>M15</sup>National Assistance Act 1948;
    - “hostel” means anything which falls within any definition of hostel for the time being prescribed by order made by the Secretary of State under this sub-paragraph;
    - “independent hospital” has the same meaning as in the Care Standards Act 2000.”
- and
- (d) in sub-paragraph (3), for “ “mental nursing home”, “nursing home” or “residential care home”” there shall be substituted “ “care home” or “independent hospital” ”.

**Commencement Information**

**I31** Sch. 4 para. 20 wholly in force at 1.4.2002; Sch. 4 para. 20 not in force at Royal Assent see s. 122; Sch. 4 para. 20 in force for E. at 1.4.2002 by [S.I. 2001/4150, arts. 1\(2\), 3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493, art. 4](#)) (as amended by [S.I. 2002/1493, art. 6](#)); Sch. 4 para. 20 in force for W. at 1.4.2002 by [S.I. 2002/920, arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

**Marginal Citations**

**M15** 1948 c. 29.

*Tribunals and Inquiries Act 1992 (c.53)*

**Textual Amendments**

**F46** Sch. 4 para. 21 repealed (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), [art. 6](#), [Sch. 3 para. 228\(g\)](#)

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PROSPECTIVE

*Criminal Justice and Public Order Act 1994 (c.33)*

- 22 In section 2 of the Criminal Justice and Public Order Act 1994 (secure training orders: supplementary provisions as to detention)—
- (a) in subsection (5), for “registered children’s home” there shall be substituted “private children’s home”; and
  - (b) in subsection (8), for “registered children’s home” there shall be substituted “private children’s home”.

*Children (Scotland) Act 1995 (c.36)*

- 23 In section 93 of the Children (Scotland) Act 1995 (interpretation of Part II)—
- (a) in paragraph (b) of the definition of “residential establishment”, for “registered” there shall be substituted “private”; and
  - (b) in the definition of “secure accommodation”, for “paragraph 4(2)(i) of Schedule 4 to the Children Act 1989” there shall be substituted “section 22(8)(a) of the Care Standards Act 2000”.

**Commencement Information**

- I32** Sch. 4 para. 23 partly in force; Sch. 4 para. 23 not in force at Royal Assent see s. 122; Sch. 4 para. 23 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\), 3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#))

*Education Act 1996 (c.56)*

- 24 **F47** .....

**Textual Amendments**

- F47** Sch. 4 para. 24 repealed (1.9.2003 for E. and 1.1.2004 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 215(2), 216, [Sch. 22 Pt. 3](#) (with s. 210(8), 214(4); [S.I. 2003/1667](#), [art. 4](#); [S.I. 2003/2961](#), [art. 6](#), [Sch. Pt. 3](#))

*Police Act 1997 (c.50)*

- 25 **F48** .....

**Textual Amendments**

- F48** Sch. 4 para. 25 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), ss. 174, 178, [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), [art. 7](#)

*Protection of Children Act 1999 (c.14)*

- 26 (1) The Protection of Children Act 1999 shall be amended as follows.

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- (2) <sup>F49</sup> .....
- (2) <sup>F49</sup> .....
- (3) In section 9 (the Tribunal)—
- (a) in subsection (2), for the words from “on an appeal” to the end there shall be substituted—
- “(a) on an appeal or determination under section 4 above;
- (b) on an appeal under regulations made under section 6 above;
- (c) on an appeal under section 65A of the <sup>M16</sup>Children Act 1989 or under, or by virtue of, Part XA of that Act; or
- (d) on an appeal or determination under section 21, 68, 86, 87 or 88 of the Care Standards Act 2000;”;
- and
- (b) after subsection (3), there shall be inserted—
- “(3A) The regulations may also include provision for enabling the Tribunal to make investigations for the purposes of a determination under section 87 or 88 of the Care Standards Act 2000; and the provision that may be made by virtue of subsection (3)(j) and (k) above includes provision in relation to such investigations.
- (3B) Regulations under this section may make different provision for different cases or classes of case.
- (3C) Before making in regulations under this section provision such as is mentioned in subsection (2)(c) or (d) above, the Secretary of State shall consult the National Assembly for Wales.”
- (4) <sup>F49</sup> .....

#### Textual Amendments

**F49** Sch. 4 para. 26: both sub-paras. numbered (2) and sub-para. (4) repealed (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, [Sch. 10](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 2](#), Sch. (with art. 6 as amended by S.I. 2010/1101)

#### Commencement Information

**I33** Sch. 4 para. 26 wholly in force at 26.7.2004; Sch. 4 para. 26 not in force at Royal Assent see s. 122; Sch. 4 para. 26(1)(2)(4) in force at 2.10.2000 by S.I. 2000/2544, [art. 2\(2\)\(g\)](#) (with [art. 3](#)); Sch. 4 para. 26(3) in force for E. for certain purposes at 1.4.2002 by S.I. 2001/3852, [arts. 1\(4\), 3\(2\)\(7\)\(i\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by S.I. 2001/4150, 2002/1493, 2002/1790, 2002/2001, 2002/3210); Sch. 4 para. 26(3) in force for W. for certain purposes at 1.4.2002 by S.I. 2002/920, [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#)); Sch. 4 para. 26(1)(3) in force for W. for certain purposes at 5.3.2003 by S.I. 2003/501, [art. 2](#); Sch. 4 para. 26(3) in force for E. for certain purposes at 7.3.2003 by S.I. 2003/933, [art. 2\(1\)](#); Sch. 4 para. 26(3) in force so far as not already in force at 26.7.2004 by S.I. 2004/1757, [art. 2\(c\)](#)

#### Marginal Citations

**M16** 1989 c. 41.

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*Adoption (Intercountry Aspects) Act 1999 (c.18)*

27 In section 2 of the Adoption (Intercountry Aspects) Act 1999 (central authorities and accredited bodies)—

(a) after subsection (2) there shall be inserted—

“(2A) A voluntary adoption agency in respect of which a person is registered under Part II of the Care Standards Act 2000 is an accredited body for the purposes of the Convention if, in accordance with the conditions of the registration, the agency may provide facilities in respect of Convention adoptions and adoptions effected by Convention adoption orders.”;

and

(b) <sup>F50</sup> .....

**Textual Amendments**

**F50** Sch. 4 para. 27(b) repealed (30.12.2005) by [Adoption and Children Act 2002 \(c. 38\)](#), ss. 139(1)(3), 148, [Sch. 3 para. 117](#), {Sch. 5} (with Sch. 4 paras. 6-8); [S.I. 2005/2213](#), [art. 2\(o\)](#); [S.I. 2005/2897](#), [art. 2\(b\)](#)

**Commencement Information**

**I34** Sch. 4 para. 27 wholly in force at 1.6.2003; Sch. 4 para. 27 not in force at Royal Assent see s. 122; Sch. 4 para. 27 in force for W. at 30.4.2003 by [S.I. 2003/501](#), [art. 2\(3\)\(a\)](#); Sch. 4 para. 27 in force for E. at 1.6.2003 by [S.I. 2003/365](#), [art. 3\(6\)\(a\)](#)

*Powers of Criminal Courts (Sentencing) Act 2000 (c.6)*

28 (1) The Powers of Criminal Courts (Sentencing) Act 2000 shall be amended as follows.

(2) In paragraph 5(3)(a) of Schedule 2 (additional requirements which may be included in probation orders), for “a hospital or mental nursing home” there shall be substituted “ an independent hospital or care home within the meaning of the Care Standards Act 2000 or a hospital ”.

(3) <sup>F51</sup> .....

**Textual Amendments**

**F51** Sch. 4 para. 28(3) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 149, 153, [Sch. 28 Pt. 1](#); [S.I. 2009/3074](#), [art. 2](#)

**Commencement Information**

**I35** Sch. 4 para. 28 wholly in force at 1.4.2002; Sch. 4 para. 28 not in force at Royal Assent see s. 122; Sch. 4 para. 28 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), arts. 1(2), 3(2)(3)(a) (subject to transitional provisions in [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#)); Sch. 4 para. 28 in force for W. at 1.4.2002 by [S.I. 2002/920](#), arts. 1(4), 3(3) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#))

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### *Amendments of local Acts*

- 29 (1) Section 16 of the <sup>M17</sup>Greater London Council (General Powers) Act 1981 (exemption from provisions of Part IV of the Act of certain premises) shall be amended as follows.
- (2) For paragraph (g) there shall be substituted—  
“(g) used as a care home, or an independent hospital, within the meaning of the Care Standards Act 2000;”
- (3) For paragraphs (gg) and (h) there shall be substituted—  
“(gg) used as a children’s home within the meaning of the Care Standards Act 2000 which is a home in respect of which a person is registered under Part II of that Act;”
- (4) Paragraph (j) shall be omitted.

#### **Commencement Information**

**I36** Sch. 4 para. 29 partly in force; Sch. 4 para. 29 not in force at Royal Assent see s. 122; Sch. 4 para. 29 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\)](#), [3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#))

#### **Marginal Citations**

**M17** 1981 c. xvii.

- 30 (1) Section 10(2) of the <sup>M18</sup>Greater London Council (General Powers) Act 1984 (exemption from provisions of Part IV of the Act of certain premises) shall be amended as follows.
- (2) For paragraph (c) there shall be substituted—  
“(c) used as a care home, or an independent hospital, within the meaning of the Care Standards Act 2000;”
- (3) For paragraph (d) there shall be substituted—  
“(d) used as a children’s home within the meaning of the Care Standards Act 2000 which is a home in respect of which a person is registered under Part II of that Act;”
- (4) Paragraphs (f) and (l) shall be omitted.

#### **Commencement Information**

**I37** Sch. 4 para. 30 partly in force; Sch. 4 para. 30 not in force at Royal Assent see s. 122; Sch. 4 para. 30 in force for E. at 1.4.2002 by [S.I. 2001/4150](#), [arts. 1\(2\)](#), [3\(2\)\(3\)\(a\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), [art. 6](#))

#### **Marginal Citations**

**M18** 1984 c. xxvii.



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## SCHEDULE 5

Section 117(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Fostering agencies*

- 1 The appropriate Minister may by regulations provide that, if prescribed requirements are satisfied, section 11 shall apply, during the prescribed period, to a person running a fostering agency who has made an application for registration under section 12(1) as if that person were unconditionally registered under Part II of this Act.

#### **Commencement Information**

**I38** Sch. 5 para. 1 partly in force; Sch. 5 para. 1 not in force at Royal Assent see s. 122; Sch. 5 para. 1 in force for W. at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch. Table](#)

#### *Voluntary adoption agencies*

- 2 (1) Where an approval granted to a body, before the commencement of section 13, under section 3 of the <sup>M19</sup>Adoption Act 1976 (approval of adoption societies) is operative at that commencement, Part II of this Act shall, if prescribed requirements are satisfied, have effect after that commencement as if any person carrying on or managing the body were registered under that Part in respect of it, either—
- (a) unconditionally; or
  - (b) subject to such conditions as may be prescribed.
- (2) Any application made before the commencement of section 12 for approval under section 3 of the <sup>M20</sup>Adoption Act 1976 shall be treated after that commencement as an application made under section 12(1) to the registration authority for registration under Part II of this Act.
- (3) The appropriate Minister may by order make such further transitional provision in relation to the repeal by this Act of provisions of the <sup>M21</sup>Adoption Act 1976 as he considers appropriate.

#### **Commencement Information**

**I39** Sch. 5 para. 2 partly in force; Sch. 5 para. 2 not in force at Royal Assent see s. 122; Sch. 5 para. 2 in force for W. for certain purposes at 1.7.2001 by [S.I. 2001/2190](#), [art. 2](#), [Sch. Table](#); Sch. 5 para. 2 otherwise in force for W. at 30.1.2003 by [S.I. 2003/152](#), [art. 2\(1\)](#)

#### **Marginal Citations**

**M19** 1976 c. 36.

**M20** 1976 c. 36.

**M21** 1976 c. 36.

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### *Children's Commissioner for Wales*

- 3 (1) The Part of this Act which relates to the Children's Commissioner for Wales has effect, in relation to times before the commencement of any other relevant provision of this Act, as if references—
- (a) to regulated children's services in Wales; and
  - (b) to the provider of such services,
- were or included references to services which would be regulated children's services in Wales, or (as the case may be) to the person who would be the provider, if that provision were in force.
- (2) Sub-paragraph (1) has effect subject to any provision made under sections 118 or 119.

#### **Commencement Information**

**I40** Sch. 5 para. 3 wholly in force; Sch. 5 para. 3 not in force at Royal Assent see s. 122; Sch. 5 para. 3 in force at 26.8.2001 by [S.I. 2001/2782](#), [art. 2\(2\)\(1\)](#)

## SCHEDULE 6

Section 117(2).

### REPEALS

#### **Commencement Information**

**I41** Sch. 6 partly in force; Sch. 6 not in force at Royal Assent see s. 122; Sch. 6 in force for certain purposes at 2.10.2000 by [S.I. 2000/2544](#), [art. 2\(1\)\(h\)](#); Sch. 6 in force for E. for certain purposes at 4.10.2001 by [S.I. 2001/3331](#), [arts. 1\(3\), 2\(b\)](#); Sch. 6 in force for E. for certain purposes at 1.4.2002 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(7\)\(j\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); Sch. 6 in force for E. for certain purposes at 1.4.2003 by [S.I. 2001/3852](#), [arts. 1\(4\), 3\(2\)\(8\)\(c\)](#) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); Sch. 6 in force for E. for certain purposes at 1.4.2002 and in force for E. for certain further purposes at 1.4.2003 by [S.I. 2001/4150](#), [arts. 1\(2\), 3\(2\)\(3\)\(c\)\(4\)](#) (subject to transitional provisions in [art. 4](#) and in [S.I. 2002/1493](#), [art. 4](#)) (as amended by [S.I. 2002/1493](#), 2002/1790, 2002/2001, 2002/3210); Sch. 6 in force for W. for certain purposes at 1.4.2002 by [S.I. 2002/920](#), [arts. 1\(4\), 3\(3\)](#) (subject to [art. 3\(4\)-\(10\)](#) and to transitional provisions in [Schs. 1-3](#)); Sch. 6 in force for W. for certain purposes at 30.1.2003 by [S.I. 2003/152](#), [art. 2\(1\)](#); Sch. 6 in force for W. for certain purposes at 30.4.2003 by [S.I. 2003/501](#), [art. 2\(3\)](#); Sch. 6 in force for E. for certain purposes at 30.4.2003 and 1.6.2003 by [S.I. 2003/365](#), [art. 3\(5\)\(6\)](#) (subject to [Sch.](#)); Sch. 6 in force for W. for certain purposes at 2.10.2003 by [S.I. 2003/2528](#), [art. 2](#)

Chapter	Short title	Extent of repeal
1948 c. 29.	National Assistance Act 1948.	Section 26(1E).
1957 c. 16.	Nurses Agencies Act 1957.	The whole Act.
1958 c. 51.	Public Records Act 1958.	In Schedule 1, in the Table at the end of paragraph 3, in

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		Part II, the entry relating to the Care Council for Wales.
1963 c. 33.	London Government Act 1963.	Section 40(4)(i).
1970 c. 42.	Local Authority Social Services Act 1970.	In Schedule 1, in the entry relating to the Mental Health Act 1959, the words “and the Registered Homes Act 1984 so far as its provisions relate to mental nursing homes”, and the entry relating to the Registered Homes Act 1984.
1970 c. 44.	Chronically Sick and Disabled Persons Act 1970.	Section 18.
1972 c. 70.	Local Government Act 1972.	In Schedule 29, paragraph 30.
1973 c. 35.	Employment Agencies Act 1973.	In section 13(7), paragraphs (b) and (c) and the proviso.
1976 c. 36.	Adoption Act 1976.	Section 3. Section 4(1) and (2). In section 4(3), the word “concerned”.
		Section 5. Section 9(1).
1979 c. 36.	Nurses, Midwives and Health Visitors Act 1979.	In Schedule 7, paragraphs 8, 9 and 10.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 16(j).
1983 c. 20.	Mental Health Act 1983.	In section 145(1), the definition of “mental nursing home”.
1983 c. 41.	Health and Social Services and Social Security Adjudications Act 1983.	In Schedule 2, paragraph 29.
1984 c. 22.	Public Health (Control of Disease) Act 1984.	In section 7(4), paragraphs (h) and (i) and the “and” following paragraph (i).
1984 c. 23.	Registered Homes Act 1984.	The whole Act.
1984 c. xxvii.	Greater London Council (General Powers) Act 1984.	Section 10(2)(f) and (l).
1989 c. 41.	Children Act 1989.	Section 54. In section 58(1), the word “54(2)”.

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		In section 60, subsections (1) and (2), and in subsection (3) (a), the words “(other than a small home)”.
		Section 63(1) to (10).
		In section 80(4), the word “or” before paragraph (d).
		In section 104(1), the word “54(2)”.
		In section 105(1), the definitions of “child minder”, “mental nursing home”, “nursing home”, “registered children’s home” and “residential care home”.
		In Schedule 4, in paragraph 4, sub-paragraphs (1)(b) and (c), (2) and (3).
		In Schedule 5, paragraphs 1 to 6, in paragraph 7, sub-paragraphs (1)(b) and (c) and (2) to (4), and paragraph 8.
		In Schedule 6, paragraphs 1 to 9 and in paragraph 10, sub-paragraphs (1)(b) and (c), (2) (a) to (k), (3) and (4).
		In Schedule 8, paragraph 2(1)(b) and in paragraph 9(1), the words “which is not maintained by a local education authority”.
		In Schedule 13, paragraph 49, in paragraph 73, sub-paragraphs (2) and (3) and in paragraph 74, sub-paragraphs (2) and (4).
1990 c. 19.	National Health Service and Community Care Act 1990.	In Schedule 9, paragraph 27.
1991 c. 20.	Registered Homes (Amendment) Act 1991.	The whole Act.
1992 c. 53.	Tribunals and Inquiries Act 1992.	In Schedule 1, the entry relating to the Registered Homes Tribunals constituted under Part III of the Registered Homes Act 1984.

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1993 c. 8.	Judicial Pensions and Retirement Act 1993.	In Schedule 5, the entry relating to a Chairman of a Registered Homes Tribunal constituted under the Registered Homes Act 1984. In Schedule 6, paragraph 55. In Schedule 7, paragraph 5(5) (xxxi).
1994 c. 19.	Local Government (Wales) Act 1994.	In Schedule 9, paragraph 5.
1996 c. 23.	Arbitration Act 1996.	In Schedule 3, paragraph 41.
1996 c. 56.	Education Act 1996.	In Schedule 37, paragraphs 58, 86, 88 and 89.
1997 c. 24.	Nurses, Midwives and Health Visitors Act 1997.	In Schedule 4, paragraph 3.
1999 c. 14.	Protection of Children Act 1999.	In section 2(9), the words “or an agency for the supply of nurses”. In section 7(2), the words “or an agency for the supply of nurses”. Section 10. In section 12(1), the definition of “agency for the supply of nurses”. Section 13(3) and (4).
1999 c. 18.	Adoption (Intercountry Aspects) Act 1999.	Section 10.

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