



Childcare Act 2006

2006 CHAPTER 21

PART 3

REGULATION OF PROVISION OF CHILDCARE IN ENGLAND

CHAPTER 5

COMMON PROVISIONS

Disqualification from registration

75 Disqualification from registration

- (1) In this section, “registration” means registration under Chapters 2, 3 and 4.
- (2) Regulations may provide for a person to be disqualified from registration.
- (3) The regulations may, in particular, provide for a person to be disqualified from registration if—
 - (a) he is included in the list kept under section 1 of the Protection of Children Act 1999 (c. 14);
 - (b) he is subject to a direction under section 142 of the Education Act 2002 (c. 32) on the grounds that he is unsuitable to work with children or on grounds relating to his health;
 - [^{F1}(ba) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006);]
 - (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 a 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;

Status: Point in time view as at 01/04/2011. This version of this provision has been superseded.

Changes to legislation: Childcare Act 2006, Section 75 is up to date with all changes known to be in force on or before 11 June 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)

- (f) he has at any time been refused registration under Chapter 2, 3 or 4 of this Part of this Act or under Part 10 or Part 10A of the Children Act 1989 (c. 41) [F²or under Part 2 of the Children and Families (Wales) Measure 2010] or any prescribed enactment, or had any such registration cancelled;
 - (g) he has been convicted of an offence of a prescribed kind or has been discharged absolutely or conditionally for such an offence;
 - (h) he has been given a caution in respect of an offence of a prescribed kind;
 - (i) he has at any time been disqualified from fostering a child privately (within the meaning of the Children Act 1989 (c. 41));
 - (j) a prohibition has been imposed on him at any time under section 69 of the Children Act 1989, section 10 of the Foster Children (Scotland) Act 1984 (c. 56) 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.
- (4) Regulations may provide for a person to be disqualified from registration if—
- (a) he lives in the same household as another person who is disqualified from registration, or
 - (b) he lives in a household in which any such person is employed.
- (5) Regulations under subsection (2) or (4) may provide for a person not to be disqualified from registration (and in particular may provide for a person not to be disqualified from registration for the purposes of section 76) by reason of any fact which would otherwise cause him to be disqualified if—
- (a) he has disclosed the fact to the Chief Inspector, and
 - (b) the Chief Inspector has consented in writing to the person's not being disqualified from registration and has not withdrawn his consent.
- (6) In this section—
- ‘ “caution” includes a reprimand or warning within the meaning of section 65 of the Crime and Disorder Act 1998 (c. 37);
 - “enactment” means any enactment having effect at any time in any part of the United Kingdom.
- (7) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of this section.

Textual Amendments

- F1** S. 75(3)(ba) inserted (19.5.2008) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), s. 65, [Sch. 9 para. 10\(1\)](#) (with [ss. 51](#), [57\(3\)](#), [60\(4\)](#), [64\(5\)](#)); S.I. 2008/1320, [art. 2\(d\)](#)
- F2** Words in s. 75(3)(f) inserted (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), s. 75(3), [Sch. 1 para. 23](#); S.I. 2010/2582, [art. 2](#), [Sch. 1](#) (with [Schs. 2 3](#))

Commencement Information

- I1** S. 75 in force at 20.12.2006 by [S.I. 2006/3360](#), [art. 2\(e\)](#)

Status:

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