

*These notes refer to the Childcare Act 2006 (c.21)
which received Royal Assent on 11 July 2006*

CHILD CARE ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 3 – Regulation of Provision of Childcare in England

Chapter 5 – Common Provisions

Section 79: Power of constable to assist in exercise of powers of entry

157. *Section 79* is based on existing powers in section 102 of the Children Act 1989 allowing a constable to assist in the exercise of powers of entry.
158. *Subsection (1)* enables a person authorised for the purposes of section 77(1) or (2) to apply for a warrant authorising a police constable to assist him in the exercise of a power conferred by that section.
159. *Subsection (2)* provides that the court may issue such a warrant if it appears that the authorised person has attempted to exercise a power conferred by section 77 but has been prevented from doing so or that the authorised person is likely to be prevented from exercising any such power. The warrant authorises the use of reasonable force by the constable providing assistance, if this is necessary.
160. *Subsection (3)* provides that the warrant must be both addressed to and executed by a constable.
161. *Subsection (4)* provides that Schedule 11 to the Children Act 1989 applies for the purposes of determining jurisdiction in relation to proceedings for the issue of a warrant under this section.
162. *Subsection (5)* defines what is meant by “court” for the purposes of the section. This is subject to any provision made by or under Schedule 11 of the [Children Act 1989 \(c.41\)](#) determining which court has jurisdiction. The effect of subsections (4) and (5) is that proceedings may be brought in the High Court, county court or magistrates’ court but this is subject to any provision, made by or under Schedule 11 of the Children Act 1989, which has the effect of determining that proceedings must be brought in a particular court.