



# Nurseries and Child- Minders Regulation Act 1948

## 1948 CHAPTER 53

An Act to provide for the regulation of certain nurseries and of persons who for reward receive children into their homes to look after them; and for purposes connected with the matters aforesaid. [30th July 1948.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

### **1 Registration of nurseries and child-minders**

- (1) Every local health authority shall keep registers—
- (a) of premises in their area, other than premises wholly or mainly used as private dwellings, where children are received to be looked after for the day or a substantial part thereof or for any longer period not exceeding six days ;
  - (b) of persons in their area who for reward receive into their homes children under the age of five to be looked after as aforesaid.

The registers kept under this subsection shall be open to inspection at all reasonable times.

- (2) Any person receiving or proposing to receive children as mentioned in paragraph (a) or (b) of the foregoing subsection may make application to the local health authority for registration thereunder, and on receipt of such an application the local health authority shall, subject to the provisions of this section, register the premises to which or person to whom the application relates.
- (3) The local health authority may by order refuse to register any premises if they are satisfied that any person employed or proposed to be employed in looking after children at the premises is not a fit person to look after children, or, where the premises were not at the commencement of this Act in use for the reception of children as

mentioned in paragraph (a) of subsection (1) of this section, if the local authority are satisfied that the premises are not fit to be used for that purpose.

- (4) The local health authority may by order refuse to register any person if they are satisfied that that person, or any person employed or proposed to be employed by him in looking after children, is not a fit person to look after children or that the premises in which the children are received or proposed to be received are not fit (whether because of the condition thereof or for any reason connected with other persons therein) to be used for the purpose.

## **2 Power to impose requirements in connection with registration**

- (1) The local health authority may by order require that no greater number of children shall be received in premises registered under the foregoing section than may be specified in the order.
- (2) The local health authority may by order require in the case of a person registered under the foregoing section that the number of children received in his home as mentioned in paragraph (b) of subsection (1) of that section, together with any other children in his home, shall not at any time exceed such number as may be specified in the order.
- (3) The local health authority may by order made as respects any premises or person registered under the foregoing section require the taking of precautions against the exposure of the children received in the premises to infectious diseases.
- (4) The local health authority may by order made as respects any premises registered under the foregoing section impose requirements for securing—
  - (a) that a person with such qualifications as may be specified by the authority shall be in charge of the premises and of the persons employed thereat;
  - (b) that the premises shall be adequately staffed, both as respects the number and as respects the qualifications or experience of the persons employed thereat, and adequately equipped;
  - (c) in the case of premises which at the commencement of this Act were in use for the reception of children as mentioned in paragraph (a) of subsection (1) of section one of this Act, that such repairs shall be carried out on the premises, or such alterations thereof or additions thereto shall be made, as may be specified in the order.;
  - (d) that the premises and the equipment thereof shall be adequately maintained ;
  - (e) that there shall be adequate arrangements for feeding the children received in the premises and that an adequate and suitable diet shall be provided for them;
  - (f) that the children received in the premises shall be under medical supervision ;
  - (g) that records shall be kept in relation to the children received at the premises containing such particulars as may be specified by the authority.
- (5) An order under paragraph (c) of the last foregoing subsection may be made either on registration or at any time within one month thereafter, and any other order under this section may be made either on registration or at any subsequent time.
- (6) An order under this section may be varied or revoked by a subsequent order of the local health authority.
- (7) In the case of premises which at the commencement of this Act were in use for the reception of children as mentioned in paragraph (a) of subsection (1) of section one of this Act, no requirement shall be imposed under paragraphs (a) to (c) of subsection (4)

of this section so as to require anything to be done before the expiration of a reasonable time from the commencement of this Act.

### **3 Certificates of registration**

- (1) The local health authority shall issue certificates of registration under section one of this Act, and any such certificate shall specify the situation of the premises to which, or the name and address of the person to whom, the registration relates and any requirements imposed under the last foregoing section.
- (2) On any change occurring in the circumstances particulars of which are stated in a certificate issued under this section, the local health authority shall issue an amended certificate.
- (3) Where the local health authority are satisfied that any certificate under this section has been lost or destroyed, the authority shall, on payment of such fee (if any) not exceeding two shillings and sixpence as the authority may determine, issue a copy of the certificate.

### **4 Penalties for failure to register and for breach of requirements under section two**

- (1) If at any time after the expiration of three months from the commencement of this Act a child is received in any premises as mentioned in paragraph (a) of subsection (1) of section one of this Act and the premises are not registered under that section or any requirement imposed under section two of this Act is contravened or not complied with, the occupier of the premises shall be guilty of an offence.
- (2) Where at any such time as aforesaid a person receives as mentioned in paragraph (b) of subsection (1) of section one of this Act children of whom he is not a relative, and
  - (a) the number of the children exceeds two, and
  - (b) the children come from more than one household,then if he is not registered under section one of this Act, or if he contravenes or fails to comply with any requirement imposed under section two thereof, he shall be guilty of an offence.
- (3) Where a person has been registered under section one of this Act and while he is so registered he acquires a new home, then until he has given notice thereof to the local health authority he shall not for the purposes of the last foregoing subsection be treated as being so registered in relation to the reception of children in the new home.
- (4) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds or, in the case of a second or subsequent offence, to imprisonment for a term not exceeding one month or to a fine not exceeding twenty-five pounds or to both such imprisonment and such fine :

Provided that in the case of a first offence under subsection (2) of this section the fine which may be imposed shall not exceed five pounds.

### **5 Cancellation of registration**

Where—

- (a) there has been a contravention of, or non-compliance with, any requirement imposed under section two of this Act in relation to any premises or person registered under section one thereof, or

- (b) it appears to the local health authority as respects any premises or person registered under the said section one, that circumstances exist which would justify a refusal under subsection (3) or subsection (4) of that section to register the premises or person,

the local health authority may by order cancel the registration:

Provided that where a requirement to carry out repairs or make alterations or additions has been imposed under paragraph, (c) of subsection (4) of section two of this Act, the registration of the premises shall not be cancelled by virtue of paragraph (b) of this section on the grounds that the premises are not fit to be used for the reception of children if—

- (i) the time limited by subsection (7) of the said section two for complying with the requirement has not expired, and
- (ii) it is shown that the condition of the premises is due to the repairs not having been carried out or the alterations or additions not having been made.

## 6 Appeals

- (1) Not less than fourteen days before making an order under this Act refusing an application for registration, cancelling any registration, or imposing any requirement under section two of this Act, the local health authority shall send to the applicant, to the occupier of the premises to which the registration relates, or to the person registered, as the case may be, notice of their intention to make such an order.
- (2) Every such notice shall state the grounds on which the authority intend to make the order and shall contain an intimation that if within fourteen days after the receipt of the notice the said applicant, occupier or person informs the authority in writing of his desire to show cause, in person or by a representative, why the order should not be made, the authority shall before making the order afford him an opportunity so to do.
- (3) If the local health authority, after giving the said applicant, occupier or person such an opportunity as aforesaid, decide to refuse the application, cancel the registration, or impose the requirement, as the case may be, they shall make an order to that effect and shall send him a copy of the order.
- (4) A person aggrieved by an order under this Act refusing an application for registration or cancelling any registration, or imposing any requirement ; under section two of this Act, may appeal to a court of summary jurisdiction, or in Scotland the sheriff, having jurisdiction in the place where, the premises in question are situated if the order relates to the registration of premises, or in the place where the person in question resides if the order relates to the registration of a person ; and an order cancelling any registration shall not take effect until the expiration of the time within which an appeal may be brought under this section or, where such an appeal is brought, before the determination of the appeal.
- (5) Sections three hundred to three hundred and two of the Public Health Act, 1936 (which relate to appeals) shall apply for the purposes of this section as if the provisions of this Act were contained in that Act and that Act extended to London.
- (6) Any notice required to be sent under subsection (1) of this section, and any copy of an order required to be sent under subsection (3) thereof, may be sent by post in a registered letter.

- (7) In the application of this section to Scotland, subsection (5) shall be omitted, and any appeal under subsection (4) shall be brought within twenty-one days from the date of the order to which the appeal relates.

## **7 Inspection**

- (1) Any person authorised in that behalf by a local health authority may at all reasonable times enter any premises in the area of the authority, which are used for the reception of children as mentioned in paragraph (a) of subsection (1) of section one of this Act, and may inspect the premises and the children so received therein, the arrangements for their welfare, and any records relating to them kept in pursuance of this Act.
- (2) If any person authorised as aforesaid is refused admission to the home of a person registered under section one of this Act, or has reasonable cause to believe that children are being received in, a person's home or in any other premises in contravention of section four of this Act, he may apply to a justice of the peace or in Scotland to the sheriff, and if the justice or sheriff is satisfied on sworn information in writing that admission has been refused or, as the case may be, that there is reasonable cause to believe that children are being received as aforesaid, the justice or sheriff may grant a warrant authorising the applicant to enter the home or other premises and carry out any such inspection as is mentioned in subsection (1) of this section.
- (3) A person who proposes to exercise any power of entry or inspection conferred by or under this section shall if so required produce some duly authenticated document showing his authority to exercise the power.
- (4) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds in the case of a first offence or twenty pounds in the case of a second or any subsequent offence.

## **8 Exemption of certain institutions from provisions of Act**

- (1) Nothing in this Act shall apply to the reception of children in any hospital, or in any such home or other institution as is mentioned in section two hundred and nineteen of the Public Health Act, 1936, or section eleven of the Children and Young Persons (Scotland) Act, 1937.
- (2) Nothing in this Act shall apply to the reception of children in any school, notwithstanding that they are received to be looked after and not for the purpose of education.
- (3) Nothing in this Act shall apply to the reception of children in a nursery school in respect of which payments are made by the Minister' of Education under section one hundred of the Education Act, 1944, or by the Secretary of State under section seventy of the Education (Scotland) Act, 1946, or which is recognised as efficient by the Minister of Education or included in a scheme submitted under section seven and approved by the Secretary of State under section sixty-five of the said Act of 1946, or to the reception of children in any play centre maintained or assisted by a local education authority under section fifty-three of the said" Act of 1944, or by an education authority under section three of the said Act of 1946.

## **9 Exclusion of sections four and seven of Act where child life protection enactments apply**

- (1) Where premises falling within paragraph (a) of subsection (1) of section one of this Act are used mainly for the reception of children for periods exceeding six days 'and in such circumstances that the child life protection enactments apply, sections four and seven of this Act shall not apply to the premises and the provisions of the child life protection enactments as to entry and inspection shall extend to all children received in the premises.
- (2) Where a person receives children into his home in such circumstances that .apart from this subsection he would be required by subsection (2) of section four of this Act to be registered under section one thereof, then so long as provision for entry and inspection as respects any of those children or any other child received' into his home is made by or under the child life protection enactments or any enactment relating to the boarding-out, of children.—
  - (a) sections four and seven of this Act shall not apply,
  - (b) the said provision for entry and inspection shall apply in relation to all the children aforesaid.

## **10 Exclusion of child life protection enactments where premises registered under Act**

Where premises registered under section one of this Act are used wholly or mainly for the reception of children as mentioned in paragraph (a) of subsection (1) of that section, the provisions of the child life protection enactments as to entry and inspection shall not apply in relation to any children received at the premises, and the provisions of section seven of this Act shall apply in relation to all children received thereat.

## **11 Prosecution of offences**

In England and Wales, the local health authority may prosecute for any offence under this Act.

## **12 Payments out of moneys provided by Parliament**

There shall be defrayed out of moneys provided by Parliament any increase attributable to the provisions of this Act in grants payable under any other Act out of moneys so provided.

## **13 Short title, interpretation and extent**

- (1) This Act may be cited as the Nurseries and Child-Minders Regulation Act, 1948.
- (2) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say :—
  - " child " means a person who has not attained the upper limit of compulsory school age ;
  - " child life protection enactments " means the provisions relating to child life protection of Part VII of the Public Health Act, 1936, the provisions, of Part XIII of the Public Health (London) Act, 1936, the provisions of Part I

of the Children and Young Persons (Scotland) Act, 1937, or the provisions of section seven of the Adoption of Children (Regulation) Act, 1939 ;

" compulsory school age ", in England and Wales, has the same meaning as in the Education Act, 1944, and in Scotland means school age as denned in the Education (Scotland) Act, 1946 ;

" hospital " has the same meaning as in section seventy-nine of the National Health Service Act, 1946, or, as respects Scotland, section eighty of the National Health Service (Scotland) Act, 1947 ;

" relative " means a grandparent, brother, sister, uncle or aunt, whether by consanguinity or affinity, or in consequence of adoption, and as respects an illegitimate child includes a person who would be so related if the child were legitimate ;

" school ", except in the expression " nursery school ", means an institution of which the sole or main purpose is the provision of education for children of compulsory school age.

- (3) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment.
- (4) This Act shall not extend to Northern Ireland.