

2004 No. 1493

EDUCATION, ENGLAND AND WALES

The Education (Prohibition from Teaching or Working with Children) (Amendment) Regulations 2004

<i>Made</i> - - - -	<i>9th June 2004</i>
<i>Laid before Parliament</i>	<i>16th June 2004</i>
<i>Coming into force</i> - -	<i>19th July 2004</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon him by sections 142, 210 and 214 of the Education Act 2002(a), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Prohibition from Teaching or Working with Children) (Amendment) Regulations 2004 and shall come into force on 19th July 2004.

(2) These Regulations apply to England and Wales.

Amendment of the Education (Prohibition from Teaching or Working with Children) Regulations 2003

2. The Education (Prohibition from Teaching or Working with Children) Regulations 2003(b) shall be amended in accordance with regulations 3 and 4.

3.—(1) Regulation 8 shall be amended as follows.

(2) In regulation 8(1)(a) omit “subject to paragraph (5), on or after 1st November 1995—”.

(3) At the beginning of regulation 8(1)(a)(i) insert “on or after the date specified in paragraph (5)”.

(4) For regulation 8(5) substitute the following—

“(5) The date specified in this paragraph is—

- (a) 1st June 2003 in relation to the offences set out in paragraphs 13, 14, 27, 31, 42 and 44 of Schedule 2,
- (b) 19th July 2004 in relation to the offences set out in paragraphs 14A to 14BB of Schedule 2, and
- (c) 1st November 1995 in relation to the other offences set out in Schedule 2.”

4.—(1) Schedule 2 shall be amended as follows.

(2) After paragraph 14, insert the following—

(a) 2002 c. 32.
(b) S.I. 2003/1184.

- “14A. An offence contrary to section 160 of the Criminal Justice Act 1988(a) (possession of indecent photograph of child).
- 14B. An offence contrary to section 1 of the Sexual Offences Act 2003(b) (rape).
- 14C. An offence contrary to section 2 of the Sexual Offences Act 2003 (assault by penetration).
- 14D. An offence contrary to section 3 of the Sexual Offences Act 2003 (sexual assault).
- 14E. An offence contrary to section 4 of the Sexual Offences Act 2003 (causing a person to engage in sexual activity without consent).
- 14F. An offence contrary to section 5 of the Sexual Offences Act 2003 (rape of a child under 13).
- 14G. An offence contrary to section 6 of the Sexual Offences Act 2003 (assault of a child under 13 by penetration).
- 14H. An offence contrary to section 7 of the Sexual Offences Act 2003 (sexual assault of a child under 13).
- 14I. An offence contrary to section 8 of the Sexual Offences Act 2003 (causing or inciting a child under 13 to engage in sexual activity).
- 14J. An offence contrary to section 9 of the Sexual Offences Act 2003 (sexual activity with a child).
- 14K. An offence contrary to section 10 of the Sexual Offences Act 2003 (causing or inciting a child to engage in sexual activity).
- 14L. An offence contrary to section 11 of the Sexual Offences Act 2003 (engaging in sexual activity in the presence of a child).
- 14M. An offence contrary to section 12 of the Sexual Offences Act 2003 (causing a child to watch a sexual act).
- 14N. An offence contrary to section 14 of the Sexual Offences Act 2003 (arranging or facilitating commission of a child sex offence).
- 14O. An offence contrary to section 15 of the Sexual Offences Act 2003 (meeting a child following sexual grooming etc).
- 14P. An offence contrary to section 16 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity with a child).
- 14Q. An offence contrary to section 17 of the Sexual Offences Act 2003 (abuse of position of trust: causing or inciting a child to engage in sexual activity).
- 14R. An offence contrary to section 18 of the Sexual Offences Act 2003 (abuse of position of trust: sexual activity in the presence of a child).
- 14S. An offence contrary to section 19 of the Sexual Offences Act 2003 (abuse of position of trust: causing a child to watch a sexual act).
- 14T. An offence contrary to section 25 of the Sexual Offences Act 2003 (sexual activity with a child family member).
- 14U. An offence contrary to section 26 of the Sexual Offences Act 2003 (inciting a child family member to engage in sexual activity).
- 14V. An offence contrary to section 47 of the Sexual Offences Act 2003 (paying for sexual services of a child).
- 14W. An offence contrary to section 48 of the Sexual Offences Act 2003 (causing or inciting child prostitution or pornography).
- 14X. An offence contrary to section 49 of the Sexual Offences Act 2003 (controlling a child prostitute or a child involved in pornography).
- 14Y. An offence contrary to section 50 of the Sexual Offences Act 2003 (arranging or facilitating child prostitution or pornography).
- 14Z. An offence contrary to section 57 of the Sexual Offences Act 2003 (trafficking into the UK for sexual exploitation).

(a) 1988 c. 33. Section 160 was amended by section 84(4) of and Schedule 11 to the Criminal Justice and Public Order Act 1994 (c. 33), by section 41(3) of the Criminal Justice and Court Services Act 2000 (c. 43) and by paragraph 29(3) of Schedule 6 to the Sexual Offences Act 2003.

(b) 2003 c. 42.

- 14AA. An offence contrary to section 58 of the Sexual Offences Act 2003 (trafficking within the UK for sexual exploitation).
- 14BB. An offence contrary to section 59 of the Sexual Offences Act 2003 (trafficking out of the UK for sexual exploitation).”.

9th June 2004

David Miliband
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 8 of the Education (Prohibition from Teaching or Working with Children) Regulations 2003 provides that those convicted of any of the offences set out in Schedule 2 which involves a child under the age of 16 are in certain circumstances automatically prohibited from carrying out work to which section 142 of the Education Act 2002 applies. These Regulations add various offences under the Sexual Offences Act 2003 and one offence under the Criminal Justice Act 1988 to Schedule 2 with effect from 19th July 2004.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.

£3.00

© Crown copyright 2004

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0800 6/2004 140800T 19585

ISBN 0-11-049377-X



9 780110 493770