

Changes to legislation: Education Act 2002, SCHEDULE 13 is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes

SCHEDULES

SCHEDULE 13

Section 152

REGULATION OF CHILD MINDING AND DAY CARE

Consent to checks on suitability

1 In section 79B of the Children Act 1989 (c. 41) (persons qualified for registration for child minding or day care), after subsection (5) there is inserted—

“(5A) Where, for the purposes of determining a person’s qualification for registration under this Part—

(a) the registration authority requests any person (“A”) to consent to the disclosure to the authority by another person (“B”) of any information relating to A which is held by B and is of a prescribed description, and

(b) A does not give his consent (or withdraws it after having given it), the registration authority may, if regulations so provide and it thinks it appropriate to do so, regard A as not suitable to look after children under the age of eight, or not suitable to be in regular contact with such children.”

Commencement Information

II Sch. 13 para. 1 wholly in force at 19.12.2002; Sch. 13 para. 1 not in force at Royal Assent, see s. 216; Sch. 13 para. 1 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Suspension of registration

2 In section 79H of that Act (suspension of registration), after subsection (2) there is inserted—

“(3) A person registered under this Part for child minding by the Chief Inspector shall not act as a child minder in England at a time when that registration is suspended in accordance with regulations under this section.

(4) A person registered under this Part for child minding by the Assembly shall not act as a child minder in Wales at a time when that registration is so suspended.

(5) A person registered under this Part for providing day care on any premises shall not provide day care on those premises at any time when that registration is so suspended.

(6) If any person contravenes subsection (3), (4) or (5) without reasonable excuse, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

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Commencement Information

- I2** Sch. 13 para. 2 wholly in force at 19.12.2002; Sch. 13 para. 2 not in force at Royal Assent, see s. 216; Sch. 13 para. 2 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Rights of appeal in relation to registration

- 3 (1) Section 79M of that Act (appeals) is amended as follows.
- (2) In subsection (1), after paragraph (b) there is inserted “or
- (c) a determination made by the registration authority under this Part (other than one falling within paragraph (a) or (b)) which is of a prescribed description,”.
- (3) In subsection (2)(a), after “order” there is inserted “ or determination ”.

Commencement Information

- I3** Sch. 13 para. 3 wholly in force at 19.12.2002; Sch. 13 para. 3 not in force at Royal Assent, see s. 216; Sch. 13 para. 3 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Inspections by Chief Inspector

- 4 (1) Section 79Q of that Act (inspection of childminding and day care) is amended as follows.
- (2) In subsection (2), for the words from “secure” to the end there is substituted “ at prescribed intervals inspect, or secure the inspection by a registered inspector of, any child minding provided in England by a registered person ”.
- (3) In subsection (3), for the words from “secure” to the end there is substituted “ at prescribed intervals inspect, or secure the inspection by a registered inspector of, any day care provided by a registered person on any premises in England ”.

Commencement Information

- I4** Sch. 13 para. 4 in force at 2.9.2002 for E. by [S.I. 2002/2002](#), [art. 4](#)
- I5** Sch. 13 para. 4 in force at 2.1.2008 for W. by [S.I. 2007/3611](#), [art. 4\(1\)](#), [Sch. Pt. 1](#)

Rights of entry etc.

- 5 (1) Section 79U of that Act (rights of entry etc.) is amended as follows.
- (2) In subsection (1), for “An authorised inspector” there is substituted “ Any person authorised for the purposes of this subsection by the registration authority ”.
- (3) In subsection (2), for “an authorised inspector” there is substituted “ a person who is authorised for the purposes of this subsection by the registration authority ”.
- (4) After that subsection there is inserted—

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“(2A) Authorisation under subsection (1) or (2)—

- (a) may be given for a particular occasion or period;
- (b) may be given subject to conditions.”

(5) In subsection (3), for the words from “An inspector” to “may-” there is substituted “A person entering premises under this section may (subject to any conditions imposed under subsection (2A)(b))—”.

(6) Subsection (5) shall cease to have effect.

(7) In subsection (9), the definition of “authorised inspector” shall cease to have effect.

Commencement Information

I6 Sch. 13 para. 5 wholly in force at 19.12.2002; Sch. 13 para. 5 not in force at Royal Assent, see s. 216; Sch. 13 para. 5 in force for E. at 2.9.2002 by [S.I. 2002/2002](#), [art. 4](#); Sch. 13 para. 5 in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Disqualification for registration

6 In paragraph 4 of Schedule 9A to that Act (disqualification for registration for child minding and day care), after sub-paragraph (3) there is inserted—

“(3A) Regulations under this paragraph may provide for a person not to be disqualified for registration by reason of any fact which would otherwise cause him to be disqualified if—

- (a) he has disclosed the fact to the registration authority, and
- (b) the registration authority has consented in writing to his registration and has not withdrawn that consent.”

Commencement Information

I7 Sch. 13 para. 6 wholly in force at 19.12.2002; Sch. 13 para. 6 not in force at Royal Assent, see s. 216; Sch. 13 para. 6 in force for E. at 1.10.2002 by [S.I. 2002/2439](#), [art. 3](#) (with transitional provisions and savings in [art. 4](#), [Sch.](#)) and in force for W. at 19.12.2002 by [S.I. 2002/3185](#), [art. 4](#), [Sch. Pt. I](#)

Disclosure of criminal record

F17

Textual Amendments

F1 Sch. 13 para. 7 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); [S.I. 2006/378](#), [art. 7\(f\)](#)

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Textual Amendments

- F2** Sch. 13 para. 8 repealed (6.4.2006) by [Serious Organised Crime and Police Act 2005 \(c. 15\)](#), s. 178(8), [Sch. 17 Pt. 2](#); S.I. 2006/378, art. 7(f)

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Changes and effects yet to be applied to :

- Sch. 13 para. 8(2) repealed by [2003 c. 44 Sch. 37 Pt. 11](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1 by [S.I. 2004/571 Sch.](#)
- specified provision(s) amendment to earlier commencing SI 2003/1667 Sch. para. 1A and 2 by [S.I. 2005/2570 art. 2](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 27(1A) inserted by [2010 c. 26 s. 4\(1\)](#)
- s. 29(2A)-(2D) inserted by [2009 c. 22 s. 260\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)
- s. 29B inserted by [2008 c. 25 s. 157](#)
- s. 8585A substituted for s. 85 by [2006 c. 40 s. 74\(1\)](#)
- s. 85A amendment to earlier affecting provision 2006 c. 40 s. 74(1) by [2011 c. 21 s. 31\(2\)](#)
- s. 85A(5) words substituted by [2009 c. 22 Sch. 12 para. 34](#)
- s. 86(1) s. 86 renumbered as s. 86(1) by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 86(2) inserted by [2006 c. 40 s. 74\(2\)\(c\)](#)
- s. 88(2)-(7) inserted by [2006 c. 40 s. 74\(3\)](#)
- s. 88(7) repealed by [S.I. 2010/1080 Sch. 1 para. 45Sch. 2 Pt. 1](#) (This amendment not applied to [legislation.gov.uk](#). The insertion of s. 88(2)-(7) by 2006 c. 40, s 74(3) was repealed without ever being brought into force.)
- s. 142(9)(b) words substituted by [S.I. 2010/1158 Sch. 2 para. 11\(10\)\(b\)](#)
- s. 210A inserted by [2008 c. 25 Sch. 1 para. 79](#)