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DRAFT STATUTORY INSTRUMENTS

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**2009 No.**

**The Safeguarding Vulnerable Groups Act 2006  
(Regulated Activity, Miscellaneous and Transitional  
Provisions and Commencement No. 5) Order 2009**

**PART 7**

**Provisions relating to Part 1 of Schedule 4 to  
the Safeguarding Vulnerable Groups Act 2006**

**Regulated activity relating to Children**

**Definition of relevant child care premises**

- 25.**—(1) Paragraph 3 of Schedule 4 to the Act is amended as follows.
- (2) In sub-paragraph (2)(c), after “any form of” insert “child minding or”.
- (3) After sub-paragraph 3(2) insert—
- “**(3)** But premises on which a person carries on childcare or child minding are not relevant childcare premises if the premises are the home of a parent of at least one child to whom the childcare or child minding is provided.
- (4)** For the purposes of paragraph (3) “parent” includes any person who has parental responsibility for a child or who has care of a child.
- (5)** “Parental responsibility” has the same meaning as in the Children Act 1989.”.

**Office holders and other amendments to paragraph 4 of Schedule 4 to the Act**

- 26.**—(1) Paragraph 4 of Schedule 4 to the Act is amended as follows.
- (2) In sub-paragraph (1)(a), after “member of” insert “or clerk to”.
- (3) In sub-paragraph (1), after paragraph (a) insert—
- “**(aa)** person appointed by the governing body of a maintained school to serve on a committee established by that body;
- (ab)** chief executive of a local authority that has any education functions or social services functions;”.
- (4) In sub-paragraph (1), after paragraph (o) insert—
- “**(p)** an individual carrying on or managing a regulated establishment or agency which provides care, accommodation or services wholly or mainly for or in relation to children;
- (q)** a person appointed under section 27(1)(a) of the Children Act 2004<sup>(1)</sup> as the lead director for children and young people’s services (Wales);

- (r) Children’s Rights Director appointed under section 120 of the Education and Inspections Act 2006<sup>(2)</sup> and a person whose duties consist wholly or mainly of assisting the Director in the exercise of the Director’s functions.”.
- (5) After sub-paragraph (1) insert—
- “(1A) For the purposes of sub-paragraph (1)(a), a person is a clerk to the governing body of an educational establishment mentioned in section 8(5) if—
- (a) the person is appointed in accordance with regulations under section 23 of the Education Act 2002 as a clerk to the governing body of a maintained school, or
  - (b) the person is appointed in relation to the governing body of any other educational establishment mentioned in section 8(5) and has functions similar to those of a person falling within paragraph (a).
- (1B) For the purposes of sub-paragraph (1)(p) an establishment or agency is a regulated establishment or agency if the person carrying it on or managing it is required to be registered in respect of it under Part 2 of the Care Standards Act 2000.”.
- (6) In sub-paragraph (7), after the definition of “local authority” insert—
- ““maintained school” has the same meaning as in section 39 of the Education Act 2002;”.