



Health Services and Public Health Act 1968

1968 CHAPTER 46

PART IV

MISCELLANEOUS MATTERS

Provisions applicable to England and Wales and Scotland

60 Amendment of Nurseries and Child-Minders Regulation Act 1948

- (1) The Nurseries and Child-Minders Regulation Act 1948 shall be amended as follows.
- (2) Section 1(1)(a) (by virtue whereof local health authorities are required to keep registers of premises in their areas, 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) shall have effect with the substitution, for the words " a substantial part thereof ", of the words " for a part or parts thereof of a duration, or an aggregate duration, of two hours or longer " ; but the reception, before the expiration of the period of three months beginning with the day on which this section comes into operation, of a child in any premises as mentioned in section 1(1)(a) or by any person as mentioned in section 1(1)(b) shall not constitute an offence under section 4(1) or (2), as the case may be, if it would not have constituted an offence thereunder if this subsection had not been enacted.
- (3) Section 4(2) (which penalises, amongst other things, the reception by a person as mentioned in section 1(1)(b) of children exceeding two in number and coming from more than one household without his being a relative of theirs and registered under section 1) shall, as from the expiration of the period aforesaid, have effect with the substitution, for the words " 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 ", of the words " a child of whom he is not a relative ".

Status: This is the original version (as it was originally enacted).

- (4) The punishment that may be imposed on a person guilty of an offence under section 4, being an offence committed after the coming into operation of this section, shall, instead of being a fine not exceeding £25 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding one month or a fine not exceeding £25 or both, be a fine not exceeding £50 or, in the case of a second or subsequent offence, imprisonment for a term not exceeding three months or a fine not exceeding £100 or both, and the proviso to subsection (4) of that section (which limits to £5 the punishment that may be imposed in the case of a first offence under subsection (5) of that section) shall, except in relation to an offence committed before the coming into operation of this section, cease to have effect.
- (5) In section 1(3) (by virtue whereof a local health authority may refuse to register premises if, inter alia, they are satisfied that the premises are not fit to be used for the reception of children), after the word " fit" (where last occurring), there shall be inserted the words " (whether because of the condition thereof or of the equipment thereof or for any reason connected with the situation, construction or size thereof or with other persons therein) ".
- (6) In section 1(4) (by virtue whereof a local health authority may refuse to register a person if, inter alia, they are satisfied that the premises in which the children are received or are 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), after the word " thereof ", there shall be inserted the words " or of the equipment thereof " and after the words " connected with " there shall be inserted the words " the situation, construction or size thereof or with ".
- (7) An application for the registration under section 1 of any premises shall be of no effect unless it contains a statement with respect to each person employed or proposed to be employed in looking after children at the premises, and each person who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises, whether or not—
- (a) there has been made against him any such order as is mentioned in paragraph (a), (b) or (e) of section 6 of the Children Act 1958 (disqualification for keeping foster children);
 - (b) he has been convicted as mentioned in paragraph (c) thereof;
 - (c) his rights and powers with respect to a child have been vested as mentioned in paragraph (d) thereof; or
 - (d) an order has been made under section 43 of the Adoption Act 1958 (removal of protected children from unsuitable surroundings) for the removal of a child from his care;

and an application for the registration under section 1 of a person shall be of no effect unless it contains a similar statement with respect to him, each person employed or proposed to be employed by him in looking after children and each person other than himself who has attained the age of sixteen years and (though not so employed or proposed to be so employed) is normally resident at the premises in which the children are received or proposed to be received; and a person who, in any such application as aforesaid, makes, with respect to himself or another, any such statement as aforesaid which is false and is known to him to be false or recklessly makes, with respect to himself or another, such a statement which is false shall be guilty of an offence and liable on summary conviction, to a fine not exceeding £100 or to imprisonment for a term not exceeding six months or to both.

- (8) Section 2(2) (which empowers a local health authority to order that the number of children that may be received by a person in his home as mentioned in section 1(1) (b), together with any other children therein, shall not exceed such number as may be specified) shall have effect with the omission of the words " together with any other children in his home " and the addition at the end thereof of the words " and in making an order under this subsection an authority shall have regard to the number of any other children who may from time to time be in the home ".
- (9) The power of the local health authority under the said section 2(2) to limit the number of children that may be received by a person in his home as mentioned in section 1(1) (b) shall include power by order to impose requirements for securing—
- (a) that there shall be available, for looking after the children received by him as so mentioned, persons adequate in number and in qualifications or experience ;
 - (b) that the premises in which the children are received shall be kept safe and adequately maintained and the equipment thereof shall be adequately maintained;
 - (c) that there shall be adequate arrangements for feeding the children so received and that an adequate and suitable diet shall be provided for them;
 - (d) that records shall be kept in relation to the children so received containing such particulars as may be specified by the authority.
- (10) In paragraph (d) of section 2(4) (which specifies, as one of the objects for the securing of which, as respects registered premises, requirements may be imposed by a local health authority, that the premises and the equipment thereof shall be adequately maintained), after the word " premises ", there shall be inserted the words " shall be kept safe and adequately maintained ".
- (11) Section 7 (inspection) shall have effect—
- (a) as if, at the end of subsection (1), there were added the words " and may at all reasonable times enter the home of a person registered under section one of this Act by the authority, and may inspect it and any children received there as mentioned in paragraph (b) of subsection (1) of section one of this Act, the arrangements for their welfare and any records relating to them kept in pursuance of this Act "; and
 - (b) as if, in subsection (2), the words " is refused admission to the home of a person registered under section one of this Act, or" and the words " admission has been refused, or, as the case may be, that" were omitted.
- (12) The maximum amount of the fee that, under section 3(3) may be demanded by a local health authority for the issue of a copy of a certificate of registration under section 1 shall be increased from two shillings and sixpence to five shillings, and accordingly, in that subsection, for the words " two shillings and sixpence" there shall be substituted the words " five shillings ".
- (13) Section 12 (which authorises the payment out of moneys provided by Parliament of any increase attributable to the Act in grants payable under any other Act, and is spent) shall cease to have effect.