



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *General*

#### <sup>F17</sup> **Effect of inclusion in either list.** **E+W**

.....

#### **Textual Amendments**

**F1** S. 7 repealed (12.10.2009) by *Safeguarding Vulnerable Groups Act 2006* (c. 47), s. 65, Sch. 9 para. 8(2), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)

#### **8 Searches of both lists under Part V of Police Act 1997.** **E+W+N.I.**

[<sup>F2</sup>(1) After subsection (3) of section 113 of the <sup>M1</sup>Police Act 1997 (criminal record certificates) there shall be inserted the following subsections—

“(3A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) within subsection (3B), the criminal record certificate shall also state—

- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the <sup>M2</sup>Education Reform Act 1988; and
- (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.

(3B) A position is within this subsection if it is—

- (a) a child care position within the meaning of the Protection of Children Act 1999;

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- (b) a position employment or further employment in which may be prohibited or restricted by regulations made under subsection (6) of section 218 of the <sup>M3</sup>Education Reform Act 1988;
  - (c) a position such that the holder’s access to persons aged under 19 may be prohibited or restricted by regulations under subsection (6A) of that section; or
  - (d) a position of such other description as may be prescribed;
- and the reference to employment or further employment in paragraph (b) shall be construed in accordance with subsection (13) of that section.”
- (2) After subsection (6) of section 115 of that Act (enhanced criminal record certificates) there shall be inserted the following subsection—
- “(6A) If an application under this section is accompanied by a statement by the registered person that the certificate is required for the purpose of considering the applicant’s suitability for a position (whether paid or unpaid) falling within subsection (3B) of section 113, the enhanced criminal record certificate shall also state—
- (a) whether the applicant is included in the list kept under section 1 of the Protection of Children Act 1999, or the list kept for the purposes of regulations made under section 218(6) of the Education Reform Act 1988; and
  - (b) if he is included in either list, such details of his inclusion as may be prescribed, including (in the case of the latter list) the grounds on which he is so included.”]

<b>Textual Amendments</b>	
<b>F2</b>	S. 8 repealed (6.4.2006 for E.W.) by <a href="#">Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 7(f)</a>
<b>Commencement Information</b>	
<b>I1</b>	S. 8 partly in force; s. 8 not in force at Royal Assent see s. 14(2); s. 8 in force at 12.3.2002 for E.W. by <a href="#">S.I. 2002/1436, art. 2</a>
<b>Marginal Citations</b>	
<b>M1</b>	1997 c.50.
<b>M2</b>	1988 c.40.
<b>M3</b>	1988 c.40.

**9 The Tribunal. U.K.**

- <sup>F3</sup>(1) .....
- (2) [<sup>F4</sup>Tribunal Procedure Rules may make any provision within subsection (3) in relation to the proceedings of the First-tier Tribunal (“the Tribunal”)—]
- <sup>F5</sup>[<sup>F6</sup>(a) .....
  - <sup>F5</sup>(b) .....
- [ on an appeal under section 167B of the Education Act 2002;]
- <sup>F7</sup>(ba)

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- (c) on an appeal under section 65A of the <sup>M4</sup>Children Act 1989 [<sup>F8</sup>or under, or by virtue of, Part XA of that Act];
- <sup>F9</sup>(ca) .....
- (d) on an appeal or determination under section 21, [<sup>F10</sup>or 68] of the Care Standards Act 2000;]<sup>F11</sup> ...
- <sup>F12</sup>(e) .....
- <sup>F13</sup>(f) on an appeal under section 166 of the Education Act 2002;]<sup>F14</sup>[<sup>F15</sup>or
- (g) on an appeal under, or by virtue of, Part 3 of the Childcare Act 2006.]<sup>F16</sup>; or]
- <sup>F17</sup>(h) on an appeal under, or by virtue of, Part 2 of the Children and Families (Wales) Measure 2010]

<sup>F18</sup>(3) The provision within this subsection is provision—

- (a) as to the circumstances in which applications for permission may be made; or
- (b) for obtaining a medical report in a case where the decision appealed against was made on medical grounds.]

<sup>F19</sup><sup>F20</sup>(3A) .....

<sup>F21</sup>(3B) .....

<sup>F22</sup>(3C) Before making in Tribunal Procedure Rules provision within subsection (3) in relation to proceedings of the Tribunal on an appeal or determination within subsection (2)(c) or (d), the Tribunal Procedure Committee must consult the Welsh Ministers.]]

<sup>F23</sup>(4) .....

<sup>F24</sup>(5) Any person who without reasonable excuse fails to comply with any requirement—

- (a) which is imposed [<sup>F25</sup>in England and Wales by the county court or in Northern Ireland] by Tribunal Procedure Rules in relation to any of the proceedings of the Tribunal mentioned in subsection (2) above, and
- (b) which is—
  - (i) a requirement imposing reporting restrictions,
  - (ii) a requirement in respect of the discovery or inspection of documents of a kind which could be imposed by a county court, or
  - (iii) a requirement for persons to attend to give evidence or produce documents,

is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]

<sup>F26</sup>(6) .....

<sup>F27</sup>(7) .....

#### Extent Information

**E1** S. 9, Sch. extend to the United Kingdom from 11.1.2001 as a consequence of the amendment to s. 14 by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 159**; S.I. 2000/3302, **art. 2(b)**

#### Textual Amendments

**F3** S. 9(1) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(a)**

**F4** Words in s. 9(2) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(b)**

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- F5** S. 9(2)(a)(b) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(b)(i), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F6** S. 9(2)(a)-(d) substituted for words (1.4.2002 for specified purposes, 4.3.2003 for W. for specified purposes, 7.3.2003 for E. for specified purposes and 26.7.2004 in so far as not already in force) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 26(3)(a)**; S.I. 2001/3852, **art. 3(7)(i)** (subject to Sch. 1 (as amended (27.3.2002) by S.I. 2002/1493, **art. 5** and (31.5.2002) by S.I. 2002/1790, **art. 2** and (29.7.2002) by S.I. 2002/2001, **arts. 2(3), 3**); S.I. 2003/501, **art. 2(1)**; S.I. 2003/933, **art. 2(1)(c)**; S.I. 2004/1757, **art. 2(c)**
- F7** S. 9(2)(ba) inserted (12.10.2009 for W.) by Education and Inspections Act 2006 (c. 40), **ss. 170(3), 188(3)**; S.I. 2009/2545, **art. 3(1)(b)**
- F8** Words in s. 9(2)(c) omitted (E.W.) (1.4.2011) by virtue of Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 12(a)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2, Sch. 3)
- F9** S. 9(2)(ca) repealed (1.9.2005) by Education Act 2005 (c. 18), s. 125(4), Sch. 9 para. 23, **Sch. 19 Pt. 1**; S.I. 2005/2034, **art. 5**
- F10** Words in s. 9(2)(d) substituted (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, **Sch. 9 para. 8(3)(b)(ii)** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch.
- F11** Word in s. 9(2)(d) repealed (31.3.2003 for W. and 1.6.2003 in so far as not already in force) by 2002 c. 32, ss. 215(2), 216, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/3185, art. 5, **Sch. Pt. 2**; S.I. 2003/1115, **art. 3**
- F12** S. 9(2)(e) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(b)(iii), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F13** S. 9(2)(f) and word inserted (1.1.2004 for W. and 1.6.2003 in so far as not already in force) by 2002 c. 32, s. 216(4), **Sch. 21 para. 122(b)** (with s. 210(8), 214(4)); S.I. 2003/1115, **art. 3**; S.I. 2003/2961, **art. 6, Sch. Pt. 3**
- F14** S. 9(2)(g) and word inserted (6.4.2007) by Childcare Act 2006 (c. 21), s. 109(2), **Sch. 2 para. 38(b)**; S.I. 2007/1019, **art. 4**
- F15** Word in s. 9(2)(f) omitted (E.W.) (1.4.2011) by virtue of Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 12(b)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2, Sch. 3)
- F16** Words in s. 9(2)(g) inserted (E.W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 12(c)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2, Sch. 3)
- F17** S. 9(2)(h) inserted (E.W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), s. 75(3), **Sch. 1 para. 12(d)**; S.I. 2010/2582, art. 2, Sch. 1 (with Sch. 2, Sch. 3)
- F18** S. 9(3) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(c)**
- F19** S. 9(3A) repealed (12.10.2009) by Safeguarding Vulnerable Groups Act 2006 (c. 47), s. 65, Sch. 9 para. 8(3)(c), **Sch. 10** (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, art. 2, Sch. (with arts. 5-7) (as amended (30.3.2010) by S.I. 2010/1101, arts. 6-11)
- F20** S. 9(3A)-(3C) inserted (1.4.2002 for specified purposes, 7.3.2003 for E. for specified purposes and 26.7.2004 in so far as not already in force) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 26(3)(b)**; S.I. 2001/3852, **art. 3(7)(i)** (subject to Sch. 1 (as amended (27.3.2002) by S.I. 2002/1493, **art. 5** and (31.5.2002) by S.I. 2002/1790, **art. 2** and (29.7.2002) by S.I. 2002/2001, **arts. 2(3), 3**); S.I. 2003/933, **art. 2(1)(c)**; S.I. 2004/1757, **art. 2(c)**
- F21** S. 9(3B) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(e)**
- F22** S. 9(3C) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(f)**
- F23** S. 9(4) omitted (3.11.2008) by virtue of The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(g)**
- F24** S. 9(5) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 175(h)**

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- F25** Words in s. 9(5) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 9 para. 123](#); [S.I. 2014/954](#), art. 2(c) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F26** S. 9(6) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 175\(i\)](#) (with Sch. 4 para. 7(3))
- F27** S. 9(7) omitted (3.11.2008) by virtue of [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 1(1), [Sch. 3 para. 175\(i\)](#)

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**Modifications etc. (not altering text)**

- C1** S. 9: transfer of functions (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1), 3(2)(3), 4, 5, [Sch. 1](#)
- C2** S. 9: transfer of functions (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), arts. 1(1), 3(1), 4, 5, [Sch. 1](#) (with Sch. 4)

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**Commencement Information**

- I2** S. 9 wholly in force at 2.10.2000: s. 9 not in force at Royal Assent see s. 14(2); s. 9 in force (1.9.2000) for the purpose only of making regulations by [S.I. 2000/2337](#), [art. 2\(1\)\(e\)](#); s. 9 in force at 2.10.2000 in so far as not already in force by [S.I. 2000/2337](#), [art. 2\(2\)](#)

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**Marginal Citations**

- M4** [1989 c. 41](#).

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**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. 2B(7)(vi) inserted by [2002 c. 38 Sch. 3 para. 94](#)