



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *Supplemental*

PROSPECTIVE

<sup>F1</sup>10 .....

#### **Textual Amendments**

**F1** S. 10 repealed (2.10.2000) by 2000 c. 14, s. 117(2), Sch. 6; S.I. 2000/2544, art. 2(2)(h)

### **11 Financial provisions.**

There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by the Secretary of State under or by virtue of this Act;
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

### **12 Interpretation.**

(1) In this Act—

<sup>F2</sup> .....

“agency for the supply of nurses” has the same meaning as in the <sup>M1</sup>Nurses Agencies Act 1957;

“child” means a person aged under 18;

“child care organisation” means an organisation—

- (a) which is concerned with the provision of accommodation, social services or health care services to children or the supervision of children;

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- (b) whose activities are regulated by or by virtue of any prescribed enactment; and
  - (c) which fulfils such other conditions as may be prescribed;
- “child care position” means a position which—
- (a) <sup>F3</sup>is a regulated position for the purposes of Part II of the Criminal Justice and Court Services Act 2000; but
  - (b) is not a position within subsection (3) below;
- “the Consultancy Service Index” means the list kept under that name by the Secretary of State;
- “employment”—
- (a) means any employment, whether paid or unpaid and whether under a contract of service or apprenticeship, under a contract for services, or otherwise than under a contract; and
  - (b) includes an office established by or by virtue of a prescribed enactment,
- and references to an individual being employed shall be construed accordingly; “employment agency” <sup>F4</sup>and “employment business” have the same meanings] as in the <sup>M2</sup>Employment Agencies Act 1973;
- “harm” has the same meaning as in section 31 of the <sup>M3</sup>Children Act 1989;
- <sup>F5</sup>“local authority” has the same meaning as in the Children Act 1989;]
- “mental impairment” means a state of arrested or incomplete development of mind which includes a significant impairment of intelligence and social functioning;
- “organisation” means a body corporate or unincorporate or an individual who employs others in the course of a business;
- “prescribed” means prescribed by regulations made by the Secretary of State;
- “the Tribunal” means the <sup>F6</sup>First-tier Tribunal].
- (2) Where part of an organisation fulfils the condition in paragraph (b) of the above definition of “child care organisation” and part of it does not, this Act shall have effect as if the two parts were separate organisations.
- (3) A position is within this subsection if—
- <sup>F7</sup>(a) it involves work to which section 142 of the Education Act 2002 applies;]
  - (b) it is not a position at <sup>F8</sup>a school which is a children’s home for the purposes of the <sup>M4</sup>Care Standards Act 2000].
- <sup>F9</sup>(3A) For the purposes of this Act, an individual is made redundant if—
- (a) he is dismissed; and
  - (b) for the purposes of the Employment Rights Act 1996 the dismissal is by reason of redundancy.]
- (4) Regulations under this Act shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F2** S. 12(1): definition of “the 1988 Act” repealed (31.3.2003 for W. and and 1.6.2003 for E.) by 2002 c. 32, ss. 215(1), 216, Sch. 21 para. 123(2), **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**

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- F3** S. 12(1): in definition of "child care position" paras. (a)(b) substituted (11.1.2001) for paras. (a)-(c) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 158(a)**; S.I. 2000/3302, **art. 2(b)**
- F4** S. 12(1): words in definition of "employment agency" substituted (2.10.2000) by 2000 c. 14, s. 116, **Sch. 4 para. 26(4)(a)(i)**; S.I. 2000/2544, **art. 2(2)(g)**
- F5** S. 12(1): definition of "local authority" inserted (2.10.2000) by 2000 c. 14, s. 116, **Sch. 4 para. 26(4)(a)(ii)**; S.I. 2000/2544, **art. 2(2)(g)**
- F6** Words in s. 12(1) substituted (3.11.2008) by The Transfer of Tribunal Functions Order 2008 (S.I. 2008/2833), art. 1(1), **Sch. 3 para. 176**
- F7** S. 12(3)(a) substituted (31.3.2003 for (W. and and 1.6.2003 for E.) by 2002 c. 32, ss. 215(1), 216, **Sch. 21 para. 123(3)**; S.I. 2002/3185, art. 5, **Sch. Pt. 2**; S.I. 2003/1115, **art. 3**
- F8** Words in s. 12(3)(b) substituted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 158(b)**
- F9** S. 12(3A) inserted (2.10.2000) by 2000 c. 14, s. 116, **Sch. 4 para. 26(4)(b)**; S.I. 2000/2544, **art. 2(2)(g)**

**Marginal Citations**

- M1** 1957 c.16.
- M2** 1973 c.35.
- M3** 1989 c.41.
- M4** 2000 c. 14.

**13 Transitional provisions.**

- (1) Where—
  - (a) an individual who is or has been employed in a child care position has been referred by an organisation to the Secretary of State for inclusion in the Consultancy Service Index;
  - (b) the reference has not been determined at the commencement of section 2 above; and
  - (c) any of the conditions mentioned in subsection (2), or the condition mentioned in subsection (3), of that section was fulfilled in relation to the reference,that section shall apply as if the reference had been a reference made by the organisation under subsection (1) of that section.
- (2) For the purposes of subsection (1) above, a reference of an individual for inclusion in that Index is determined only when, following the reference—
  - (a) the individual is included (otherwise than provisionally) in the Index; or
  - (b) the Secretary of State determines that he should not be included in it.

<sup>F10</sup>(3) .....

<sup>F10</sup>(4) .....

**Textual Amendments**

- F10** S. 13(3)(4) repealed (2.10.2000) by 2000 c. 14, s. 117(2), **Sch. 6**; S.I. 2000/2544, **art. 2(2)(h)**

**14 Short title, commencement and extent.**

- (1) This Act may be cited as the Protection of Children Act 1999.

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- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint; and different days may be appointed for different purposes.
- (3) [<sup>F11</sup>Subject to subsections (4) and (5) below, this Act] extends to England and Wales only.
- (4) Section 8 above and this section extend to Northern Ireland.
- [<sup>F12</sup>(5) Section 9 above and the Schedule to this Act extend to the whole of the United Kingdom.]

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#### Subordinate Legislation Made

- P1** S. 14(2) power partly exercised: 5.6.2000 appointed for specific provisions by S.I. 2000/1459, **art. 2**  
S. 14(2) power partly exercised: 1.9.2000 and 2.10.2000 appointed for specified provisions by S.I. 2000/2337, **art. 2(1)(2)**  
S. 14(2) power partly exercised: 12.3.2002 appointed for specified provisions by S.I. 2002/1436, **art. 2**
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#### Textual Amendments

- F11** Words in s. 14(3) substituted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 159(a)**; S.I. 2000/3302, **art. 2(b)**
- F12** S. 14(5) inserted (11.1.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 159(b)**; S.I. 2000/3302, **art. 2(b)**

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