



# Protection of Children Act 1999

## 1999 CHAPTER 14

### *Supplemental*

#### **12 Interpretation.**

(1) In this Act—

“the 1988 Act” means the <sup>M1</sup>Education Reform Act 1988;

“agency for the supply of nurses” has the same meaning as in the <sup>M2</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;
- (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) is concerned with the provision of accommodation, social services or health care services to children or the supervision of children;
- (b) is such as to enable the holder to have regular contact with children in the course of his duties; and
- (c) 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;

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*Status: Point in time view as at 01/09/2000. This version of this provision has been superseded.*

*Changes to legislation: Protection of Children Act 1999, Section 12 is up to date with all changes known to be in force on or before 26 March 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)*

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“employment agency” has the same meaning as in the <sup>M3</sup>Employment Agencies Act 1973;

“harm” has the same meaning as in section 31 of the <sup>M4</sup>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 tribunal established under section 9 above.

- (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—
- (a) employment or further employment in it may be prohibited or restricted by regulations made under section 218(6) of the 1988 Act; and
  - (b) it is not a position at an independent school which is a children’s home for the purposes of Part VIII of the Children Act 1989.
- (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.

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**Marginal Citations**

**M1** 1988 c.40.

**M2** 1957 c.16.

**M3** 1973 c.35.

**M4** 1989 c.41.

**Status:**

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**Changes to legislation:**

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