
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the disqualifications contained in the Nurseries and Childminders Regulation Act 1948, the Child Care Act 1980 and the Foster Children Act 1980 which are repealed by the Children Act 1989. The Regulations also include the disqualifications contained in the Children's Homes Act 1982 (c. 20) which had not been brought into force and are repealed by the 1989 Act. To the extent that they apply to disqualification from registration for childminding and day care the Regulations extend also to Scotland.

Regulation 2 and the Schedule specify various circumstances in which a person

- is disqualified from fostering a child privately;
- is disqualified from being registered as a childminder on domestic premises or as a person who provides day care for children under 8 on non-domestic premises; and

Regulation 3 provides that a person who is disqualified under section 68 of the Act from fostering a child privately shall not carry on or be involved with a voluntary children's home or employed in such an establishment without the consent of the Secretary of State.

By virtue of section 65 of the Children Act 1989 a person who is disqualified from fostering a child privately is also disqualified from carrying on or being concerned in the management of a children's home or be employed in such an establishment without the consent of the local authority.

Unlike the preceding legislation which related only to a specific activity, a disqualification under these provisions will serve also to disqualify a person from any of the activities specified in these Regulations.