
STATUTORY INSTRUMENTS

2000 No. 2432

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES**

**The Protection of Children (Child
Care Organisations) Regulations 2000**

Made - - - - *11th September 2000*
Laid before Parliament *11th September 2000*
Coming into force - - *2nd October 2000*

The Secretary of State, in exercise of the powers conferred upon him by section 12(1) of the Protection of Children Act 1999⁽¹⁾, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Protection of Children (Child Care Organisations) Regulations 2000, and come into force on 2nd October 2000.

Prescribed enactments for the purposes of section 12(1) of the Protection of Children Act 1999

2. The following enactments are prescribed for the purposes of the definition of “child care organisation” in section 12(1) of the Protection of Children Act 1999:—

- (a) Local Authority Social Services Act 1970⁽²⁾, sections 2 and 7A to 7D;
- (b) Adoption Act 1976⁽³⁾, section 9;
- (c) National Health Service Act 1977⁽⁴⁾, sections 8 and 15 to 18A, Schedule 5 and Schedule 5A;

(1) 1999 c. 14.
(2) 1970 c. 42. Section 2 was amended by the National Health Service Reorganisation Act 1973 (c. 32), section 57. Sections 7A–7D were inserted by the National Health Service and Community Care Act 1990 (c. 19), section 50. Section 7B was amended by the Community Care (Direct Payments) Act 1996 (c. 30), section 3(1) and (2).
(3) 1976 c. 36. Section 9 was amended by the Criminal Justice Act 1982 (c. 48), sections 37, 38 and 46.
(4) 1977 c. 49. Section 8 was amended by the Health Authorities Act 1995 (c. 17), section 1; the Government of Wales Act 1998 (c. 38), section 148; and the Health Act 1999 (c. 8), section 65, Schedule 4 paragraphs 4 and 5, and Schedule 5. Section 15 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1) and 5(1), Schedule 1, Part I, paragraphs 1 and 6, and Schedule 3; the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, Part I, paragraphs 3 and 4; and the Health Act 1999 (c. 8), section 65, Schedule 4 paragraphs 4 and 8 and Schedule 5. Section 16 was amended by the Health Authorities Act 1995 (c. 17), section 2(1) and Schedule 1, Part I, paragraphs 1 and 7, and the Health Act 1999

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- (d) Registered Homes Act 1984(5) sections 16 and 26;
- (e) Children Act 1989(6), sections 72 and 73, paragraph 4 of Schedule 4, paragraph 7 of Schedule 5 and paragraph 10 of Schedule 6;
- (f) National Health Service and Community Care Act 1990(7), section 5 and Schedule 2;
- (g) Criminal Justice Act 1991(8), sections 84 to 88A;
- (h) Probation Service Act 1993(9), section 25; and
- (i) Criminal Justice and Public Order Act 1994(10), sections 7 to 15.

Signed by authority of the Secretary of State for Health

Yvette Cooper
Parliamentary Under Secretary of State for
Public Health,
Department of Health

11th September 2000

(c. 8), section 65(1), and Schedule 4 paragraphs 4 and 9. Sections 16A and 16B were inserted by the Health Act 1999 (c. 8), section 2(1), and Schedule 1. Section 16C was inserted by the Health Act 1999 (c. 8), section 65(1), and Schedule 4 paragraphs 4 and 10. Section 16D was inserted by the Health Act 1999 (c. 8) section 12(1). Section 17 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1) and Schedule 1, Part I, paragraphs 1 and 8. Sections 17A and 17B were inserted by the Health Act 1999 (c. 8) section 12(1). Section 18 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1), 3(8) and 5(1), Schedule 1, Part I, paragraphs 1 and 9, and Schedule 3. Section 18A was inserted by the Health Act 1999 (c. 8) section 5. Schedule 5 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1) and 5(1) and Schedule 1, Part I, paragraphs 1 and 60; and the Health Act 1999 (c. 8), section 65, Schedule 4 paragraphs 4 and 39. Schedule 5A was inserted by the Health Act 1999 (c. 8), section 2(2) and Schedule 1.

- (5) 1984 c. 23.
- (6) 1989 c. 41. Paragraph 7 of Schedule 5 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), section 19(2) (a). Paragraph 10 of Schedule 6 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), sections 19(2) and 168(3) and Schedule 11.
- (7) 1990 c. 19. Section 5 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1) and Schedule 1, Part II, paragraphs 65 and 69; the National Health Service (Primary Care) Act 1997 (c. 46), section 41(10) and Schedule 2, Part I, paragraph 65(1) and (2); and the Health Act 1999 (c. 8), sections 13(1) and (10), 14, and 65(2) and Schedule 5. Schedule 2 was amended by the Health Authorities Act 1995 (c. 17), sections 2(1), and 5(1), Schedule 1, Part II, paragraphs 65 and 85, Schedule 3. Schedule 4 paragraphs 74 and 83 and Schedule 5; the Audit Commission Act 1998 (c. 18), section 54(1) and Schedule 3, paragraph 20; and the Health Act 1999 (c. 8), sections 13(7), (8) and (10), 41(3), and 65, Schedule 1, Schedule 4 paragraphs 74 and 83, and Schedule 5.
- (8) 1991 c. 53. Section 84 was substituted by the Criminal Justice and Public Order Act 1994 (c. 33), section 96. Section 85 was amended by sections 97(1) and (2) and 101(1) of the said Act. Section 87 was amended by sections 97(3), (4) and (5) and 168(2) of, and paragraphs 86 and 69 of Schedule 10 to, the said Act, and by the Prisons (Alcohol Testing) Act 1997 (c. 38), section 2. Section 88 was amended by the Criminal Justice and Public Order Act 1994 (c. 33), sections 94 and 101(2) and (3). Section 88A was inserted by the said Act, section 99.
- (9) 1993 c. 47.
- (10) 1994 c. 33.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe enactments for the purposes of section 12(1) of the Protection of Children Act 1999, which requires the Secretary of State to keep a list of persons considered unsuitable to work with children. The Act requires child care organisations to refer individuals to him for inclusion on that list, in certain circumstances, and prohibits them from offering employment in a child care position to any individual who is included in the list. An organisation is a “child care organisation” subject to those provisions only if its activities are regulated by or by virtue of an enactment prescribed by the Secretary of State. Regulation 2 prescribes enactments for those purposes.