

SCHEDULE

Transitional, Transitory and Savings Provisions

Transfer of registration

16.—(1) The provisions of this paragraph shall have effect in relation to any person—

- (a) whose registration has, by virtue of paragraph 3(1), been treated as continuing during the second transitional period; or
- (b) whose application for registration is granted by a local authority under paragraph 7 during the second transitional period

(in this paragraph, “the original registration”).

(2) Unless in the course of the second transitional period

- (a) the registration has been cancelled by a local authority acting under paragraph 9, or
- (b) the person has resigned his registration in accordance with paragraph 4,

then with effect from the operative date and subject to sub-paragraphs (3) to (5) the person shall, for the purposes of Part XA, be treated as having applied for and been granted registration.

(3) For the avoidance of doubt, no fee shall be payable to the registration authority in respect of the deemed application for and grant of registration under sub-paragraph (2); and for the purpose of establishing any subsequent liability to pay an annual fee in connection with the registration, the date of that registration shall be taken to be—

- (a) in any case in which the registered person has, in relation to the registration, paid to a local authority an annual inspection fee pursuant to paragraph 7 of Schedule 9 in respect of an inspection that took place within the 12 months immediately preceding the operative date, the date of the inspection; or
- (b) in any other case, the date of the original registration.

(4) The registration under sub-paragraph (2) shall be for child minding or for providing day care on specified premises according to the purpose of the original registration.

(5) Where a person’s registration is transferred pursuant to sub-paragraph (2), any requirements that were imposed upon him in relation to the registration under section 72 or, as the case may be, section 73 and were extant immediately before the operative date shall, in so far as they would be capable of being imposed by the registration authority as conditions to which the registration is subject, have effect from the operative date as if they were such conditions and had been duly imposed by the registration authority on that date.

(6) The treatment of—

- (a) a person as registered under Part XA, pursuant to sub-paragraph (2), and
- (b) requirements imposed by local authorities as conditions imposed by the registration authority, pursuant to sub-paragraph (5)

shall be without prejudice to any opinion subsequently formed by the registration authority as to whether the person is or will continue to be a person qualified for registration as a child minder or as a provider of day care, as the case may be, or to any decision the registration authority may subsequently take as to the imposing, removing or varying of conditions upon the registration.