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STATUTORY INSTRUMENTS

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**2008 No. 976**

**The Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008**

**PART 4**

**Suspension of registration**

**Suspension of registration**

**8.** The registration of a registered person may be suspended by the Chief Inspector, by notice, in the circumstances prescribed in regulation 9 for the period prescribed in regulation 10.

**Circumstances in which registration may be suspended**

**9.** The circumstances prescribed for the purposes of section 69(1) of the Act are that the Chief Inspector reasonably believes that the continued provision of childcare by the registered person to any child may expose such a child to a risk of harm.

**Suspension of registration: further provisions**

**10.—(1)** Subject to paragraph (2), the period for which the registration of a registered person may be suspended is six weeks beginning with the date specified in the notice of suspension given in accordance with paragraph (4).

(2) Subject to paragraph (3), in a case in which a further period of suspension is based on the same circumstances as the period of suspension immediately preceding that further period of suspension, the Chief Inspector's power to suspend registration may only be exercised so as to give rise to a continuous period of suspension of 12 weeks.

(3) Where, however, it is not reasonably practicable (for reasons beyond the control of the Chief Inspector)—

- (a) to complete any investigation into the grounds for the Chief Inspector's belief referred to in regulation 9, or
- (b) for any necessary steps to be taken to eliminate or reduce the risk of harm referred to in regulation 9,

within a period of 12 weeks, the period of suspension may continue until the end of the investigation referred to in sub-paragraph (a), or until the steps referred to in sub-paragraph (b) have been taken.

(4) A notice under regulation 8 may be given to the registered person—

- (a) by delivering it to the registered person,
- (b) by sending it by post, or
- (c) subject to paragraph (5), by transmitting it electronically.

(5) If the notice is transmitted electronically, it is to be treated as given to the registered person only if—

- (a) the registered person has indicated to the Chief Inspector a willingness to receive notices transmitted by electronic means and has provided an address suitable for that purpose, and
- (b) the notice is sent to that address.

### **Lifting of suspension**

**11.** If, at any time during a period of suspension under regulation 8, it appears to the Chief Inspector that the circumstances prescribed in regulation 9 no longer exist, the Chief Inspector must lift the suspension.

### **Appeal against suspension**

**12.—(1)** A registered person whose registration has been suspended under regulation 8 may appeal to the Tribunal<sup>(1)</sup> against the suspension.

(2) On an appeal under paragraph (1), the Tribunal must either—

- (a) confirm the Chief Inspector’s decision to suspend registration, or
- (b) direct that the suspension shall cease to have effect.

(3) In a case where the suspension of a registered person’s registration ends before the Tribunal determines the appeal in accordance with paragraph (2), the Tribunal must dismiss the appeal.

### **Meaning of “harm”**

**13.** In this Part of these Regulations, “harm” has the same meaning as in section 31(9) of the Children Act 1989<sup>(2)</sup>.

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(1) See section 69(11) of the Childcare Act 2006 for the meaning of “the Tribunal”.

(2) Section 31(9) was amended by section 120 of the Adoption and Children Act 2002 (c.38).