

Statutory Document No. 2002/0876

*Children and Young Persons Act 2001*

DISQUALIFICATION FOR CARING FOR CHILDREN REGULATIONS 2002¹

Approved by Tynwald: 22 January 2003
Coming into Operation: 1 February 2003

In exercise of the powers conferred on the Department of Health and Social Security by sections 58(1) and (2) and 65(1) and (2) of the Children and Young Persons Act 2001¹, and of all other enabling powers, the following Regulations are hereby made: —

1 Citation, commencement and interpretation

- (1) These Regulations may be cited as the Disqualification for Caring for Children Regulations 2002 and, subject to section 104(2) of the Act, shall come into operation on the 1st February 2003.
- (2) In these Regulations “the Act” means the Children and Young Persons Act 2001.

2 Disqualification for fostering a child privately²

A person is disqualified for fostering a child privately if —

- (a) he is a parent of a child who at any time has been made the subject of a care order;
- (b) one of the following orders has been made at any time with respect to a child so as to remove the child from his care or prevent the child living with him —
 - (i) a care order;
 - (ii) a care order or fit person order made under any enactment repealed by the Act or by the Children and Young Persons Act 1990² (including an order to which paragraph 3 of Schedule 3 to that Act applies);
 - (iii) a supervision order under section 83(1) of the Act which imposes a residence requirement under paragraph 5 of

¹ 2001 c.20

² 1990 c.13

Schedule 9 of the Act, where the requirement has the effect of removing the child from his care,

- (c) an order has been made at any time, for the purposes of removing a child who was being kept, or was about to be received, by him, under section 24 of the Adoption Act 1984³ or section 30 of the Adoption Act 1958⁴;
- (d) an order removing a child from his care has been made at any time under section 7 of the Child Life Protection Act 1959⁵;
- (e) he has been convicted of any offence mentioned in the Schedule;
- (f) there has been a refusal to register a children's home on an application made by him under paragraph 1 of Schedule 6 to the Act;
- (g) he is a person who carried on, or was otherwise concerned with the management of, or had any financial interest in, a registered children's home which was removed from the register under paragraph 4(a) to (d) of Schedule 6 of the Act (cancellation of registration);
- (h) he is a person in respect of whom a prohibition has been imposed under section 59 of the Act (restrictions on private fostering);
- (i) he has at any time been refused registration in respect of nurseries, day care or child minding under section 65 of the Act or had any such registration cancelled under —
 - (i) section 66 of the Act, or
 - (ii) section 1 or 6 of the Nurseries and Child-Minders Regulation Act 1974⁶;
- (j) he is disqualified in England and Wales for fostering a child privately or for registration under section 68 of the Children Act 1989 (an Act of Parliament)⁷ by virtue of regulation 2 of the Disqualification for Caring for Children Regulations 1991⁸ made under that Act.³

MADE

20 DECEMBER 2002

³ 1984 c.14

⁴ XIX p.729

⁵ XVIII p.1096

⁶ 1974 c.12

⁷ 1989 c.41

⁸ SI 1991/2094

SCHEDULE

Regulation 2(e)

OFFENCES WHICH DISQUALIFY PERSONS FROM PRIVATE FOSTERING⁴

1. Offences specified in Schedule 8 to the Act.
2. Any offence involving injury or threat of injury to another person.
3. Offences under —
 - (a) section 26(1)(b) or (c) of the Adoption Act 1984 (refusing to allow the visiting of a protected child or inspection of the premises or refusing to comply with or obstructing the removal of the child); or
 - (b) section 42(13), 48(2) or 49(5) of the Act (obstructing a person executing an emergency protection order, or abduction or obstruction of lawful recovery of an abducted child).

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

² Reg 2 heading amended by Regulation of Care Act 2013.

³ Reg 2 amended by Regulation of Care Act 2013.

⁴ Heading amended by Regulation of Care Act 2013.