STATUTORY RULES OF NORTHERN IRELAND

1996 No. 478

CHILDREN

The Disqualification for Caring for Children Regulations (Northern Ireland) 1996

Made - - - -	*8th October 1996*
Coming into operation	*4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 109(1) and (2) and 122(1) and (2) of the Children (Northern Ireland) Order 1995(**1**) and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Disqualification for Caring for Children Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations "the Order" means the Children (Northern Ireland) Order 1995.

Disqualification from fostering a child privately or registration under Part XI of the Order

2. For the purposes of Articles 109 (persons disqualified from being private foster parents) and 122 (persons disqualified from child minding or providing day care) of the Order, a person is disqualified from fostering a child privately or registering under Article 118 of the Order (registration for child minding and day care) if—

(a) he is a parent of a child who at any time has been made the subject of an order under—

(i) Article 50(1)(*a*) of the Order (care order),

(ii) section 31(1)(*a*) of the Children Act 1989(**2**) (care order),

(iii) section 44(1) of the Social Work (Scotland) Act 1968(**3**) (supervision requirement);

(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) an order under Article 50(1)(*a*) of the Order (care order),

(ii) any order that would have been deemed to be a care order by virtue of paragraph 11, 12 or 30 of Schedule 8 to the Order (transitional provisions for children in

(**1**) S.I.1995/755 (N.I. 2)
(**2**) 1989 c. 41
(**3**) 1968 c. 49

compulsory care) had it been in operation immediately before the day on which Part V of the Order comes into operation,

(iii) a fit person order or training school order made under the Children and Young Persons Act (Northern Ireland) 1968(**4**) or the Children and Young Persons Act (Northern Ireland) 1950(**5**),

(iv) a parental rights order under section 104 of the Children and Young Persons Act (Northern Ireland) 1968(**6**) or section 82 of the Children and Young Persons Act (Northern Ireland) 1950,

(v) an order under section 31(1)(*a*) of the Children Act 1989 or an order under section 1(3)(*c*) or 7(7)(*a*) of the Children and Young Persons Act 1969(**7**) (care orders),

(vi) any other order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the Children Act 1989 (transitional provisions for children in compulsory care) had it been in force immediately before the day on which Part IV of that Act came into force,

(vii) a supervision order which imposes a residence requirement under section 12AA of the Children and Young Persons Act 1969(**8**) (requirement that young offender live in local authority accommodation), or

(viii) an approved school order or a fit person order under section 9(1)(*a*) or (*b*) of the Children and Young Persons Act 1933(**9**) or section 61(1)(*a*) or (*b*) of the Children and Young Persons (Scotland) Act 1937(**10**);

(c) a supervision requirement has been imposed under section 44(1) of the Social Work (Scotland) Act 1968 at any time with respect to any child for the purpose of removing that child from his care, or his rights and powers with respect to any child had at any time been vested in a local authority in Scotland under that Act or the Children Act 1948(**11**);

(d) 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—

(i) Article 35 of the Adoption (Northern Ireland) Order 1987(**12**) (removal of protected children from unsuitable surroundings),

(ii) section 34 of the Adoption Act 1976(**13**) or section 43 of the Adoption Act 1958(**14**) (removal of protected children from unsuitable surroundings), or

(iii) section 34 of the Adoption (Scotland) Act 1978(**15**) (removal of protected children from unsuitable surroundings);

(e) an order removing a child from his care has been made at any time under—

(**4**) 1968 c. 34 (N.I.)
(**5**) 1950 c. 5 (N.I.); the whole Act was repealed by Schedule 8 to the Children and Young Persons Act (Northern Ireland) 1968, except for certain provisions which are not relevant to these Regulations
(**6**) Part VI of the Act is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
(**7**) 1969 c. 54; sections 1(3)(*c*) and 7(7)(*a*) were repealed by Schedule 15 to the Children Act 1989
(**8**) Section 12AA was inserted by paragraph 23 of Schedule 12 to the Children Act 1989 and amended by Schedule 13 to the Criminal Justice Act 1991 (c. 53)
(**9**) 1933 c. 12; section 9 was repealed by the Schedule to the Scrap Metal Dealers Act 1964 (c. 69)
(**10**) 1937 c. 37; section 61 was repealed by Schedule 9 to the Social Work (Scotland) Act 1968
(**11**) 1948 c. 43; the whole Act, as it extends to Scotland, was repealed by Schedule 9 to the Social Work (Scotland) Act 1968
(**12**) S.I. 1987/2203 (N.I. 22); Article 35 is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
(**13**) 1976 c. 36; section 34 was repealed by Schedule 15 to the Children Act 1989
(**14**) 1958 c. 5; the whole Act was repealed by Schedule 4 to the Adoption Act 1976
(**15**) 1978 c. 28

(i) section 8(1) of the Children and Young Persons Act (Northern Ireland) 1968(**16**) or section 6(1) of the Children and Young Persons Act (Northern Ireland) 1950 (removal of foster children),

(ii) section 12 of the Foster Children Act 1980(**17**) or Part I of the Children Act 1958(**18**) (removal of foster children), or

(iii) section 12 of the Foster Children (Scotland) Act 1984(**19**) (removal of foster children);

(f) he has been convicted of any offence mentioned in the Schedule;

(g) there has been a refusal to register a voluntary home in relation to an application made by him under—

(i) Article 80 of the Order (application for registration),

(ii) section 127(2) and (3) of the Children and Young Persons Act (Northern Ireland) 1968(**20**) or section 99(2) and (3) of the Children and Young Persons Act (Northern Ireland) 1950 (application for registration), or

(iii) paragraph 1(1) and (2) of Schedule 5 to the Children Act 1989 or section 57(2) and (3) of the Child Care Act 1980(**21**) (application for registration);

(h) he is a person who carried on, or was otherwise concerned with the management of, or had any financial interest in, a voluntary home which was removed from the register under—

(i) Article 82 of the Order (cancellation of registration),

(ii) Article 87 of the Order (appeals),

(iii) section 127(4) of the Children and Young Persons Act (Northern Ireland) 1968 or section 99(4) of the Children and Young Persons Act (Northern Ireland) 1950 (cancellation of registration),

(iv) section 128 of the Children and Young Persons Act (Northern Ireland) 1968 or section 100 of the Children and Young Persons Act (Northern Ireland) 1950 (appeals),

(v) paragraph 1(4) of Schedule 5 to the Children Act 1989 or section 57(4) of the Child Care Act 1980 (cancellation of registration), or

(vi) paragraph 5 of Schedule 5 to the Children Act 1989 or section 58 of the Child Care Act 1980 (appeals);

(i) there has been a refusal to register a registered children's home in relation to an application made by him under—

(i) Article 96 of the Order (application for registration), or

(ii) paragraph 1 of Schedule 6 to the Children Act 1989 (application for registration);

(j) 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 and that home was removed from the register under—

(i) Article 98 of the Order (cancellation of registration),

(ii) Article 103 of the Order (appeals),

(iii) paragraph 4 of Schedule 6 to the Children Act 1989 (cancellation of registration), or

(**16**) Part I of the Act is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
(**17**) 1980 c. 6; the whole Act was repealed by Schedule 15 to the Children Act 1989
(**18**) 1958 c. 65; the whole Act was repealed by the Foster Children Act 1980
(**19**) 1984 c. 56
(**20**) Part VIII of the Act is repealed from 4th November 1996 by Schedule 10 to the Children (Northern Ireland) Order 1995
(**21**) 1980 c. 5; the whole Act was repealed by Schedule 15 to the Children Act 1989