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GUERNSEY STATUTORY INSTRUMENT
2011 No. [9]

**The Child Protection (Registration Fees) (Guernsey and
Alderney) Regulations, 2011**

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SCHEDULE: Registration fees and categories of registration

GUERNSEY STATUTORY INSTRUMENT

2011 No.

**The Child Protection (Registration Fees) (Guernsey and
Alderney)
Regulations, 2011**

<i>Made</i>	<i>8 March, 2011</i>
<i>Coming into operation</i>	<i>1 April, 2011</i>
<i>Laid before the States</i>	<i>, 2011</i>

THE HEALTH AND SOCIAL SERVICES DEPARTMENT, in exercise of the powers conferred on it by sections 16A and 16B of the Child Protection (Guernsey) Law, 1972^a and all other powers enabling it in that behalf, hereby makes the following Regulations:-

Fee for registering premises determined by category of registration.

1. (1) Premises shall be registered under section 15(1)(a) in the appropriate category of registration.

(2) The fee payable to the Board upon an application for registration of any premises is the premises registration fee for those premises.

(3) A certificate of registration issued for any premises shall include particulars of the category in which those premises are registered.

^a Ordres en Conseil Vol. XXIII, p. 238; as amended by Ordinances no. VII and XLII of 2010 (other amendments not relevant); applied to Alderney by Recueil d'Ordonnances Tome XXVIII, p. 295.

Fee for registering child-minders.

2. The fee payable to the Board upon an application for registration of a child-minder under section 15(1)(b) is the child-minder registration fee.

Fee for continuing registration.

3. (1) Where any registered premises or any registered child-minder continues to be registered on the second or any subsequent even-year anniversary of the date of registration, an amount equivalent to the registration fee is payable as a fee to the Board in accordance with this regulation.

(2) The fee prescribed by paragraph (1) –

(a) is payable upon the second and each subsequent even-year anniversary of the date of registration, and

(b) in each case, is due to be paid to the Board within one calendar month of the date of the relevant anniversary.

(3) In this regulation, "**the date of registration**" –

(a) in respect of any premises to which regulation 9(1)(a) applies or any child-minder to whom regulation 9(1)(b) applies, means the date of issue under regulation 9(2) of the amended certificate of registration for the premises or child-minder concerned, and

(b) in respect of any other premises or child-minder, means the date of issue of the certificate of registration for the premises or child-minder concerned (excluding any amended certificate of registration).

Board may change registration category of premises.

4. (1) Subject to paragraph (2), the Board may at any time by order amend the register kept under section 15(1)(a) to change the category in which any premises are registered to the appropriate category of registration –

- (a) at the request of the occupier of those premises, or
- (b) if the Board considers it appropriate, in light of –
 - (i) the conditions under which children are received to be looked after in those premises, and
 - (ii) the number of children received to be looked after at any one time in those premises.

(2) Section 20 has effect in relation to an order under paragraph (1)(b) as if –

- (a) the order under that paragraph were an order imposing a requirement under section 16 on those premises, and
- (b) the Board's decision (if any) to change the category in which those premises are registered were a decision to impose a requirement under section 16 on those premises.

(3) Upon an order being made under paragraph (1), the Board shall issue an amended certificate of registration for those premises.

Fee for formal or informal change of registration category.

5. (1) This regulation applies to premises registered under section 15(1)(a) if –

- (a) the Board has by order under regulation 4 amended the register to change the category in which those premises are registered ("**the former category**") to a category ("**the new category**") for which a higher premises registration fee is payable, or
- (b) the Board has not so amended the register, but children have been received to be looked after in those premises under conditions, or in a number, which in effect removes those premises from the category in which those premises are registered ("**the former category**") to a category ("**the new category**") for which a higher premises registration fee is payable.

(2) In respect of premises to which this regulation applies, an amount equivalent to the difference between the lower fee payable for the former category and the higher fee payable for the new category is payable as a fee to the Board in accordance with paragraph (3) or (as the case may be) paragraph (4).

(3) Where paragraph (1)(a) applies, the fee prescribed by paragraph (2) –

- (a) is payable to the Board upon the issue of the amended certificate of registration for those premises, and
- (b) is due to be paid within one calendar month of the date of issue of the amended certificate of registration for those premises.

(4) Where paragraph (1)(b) applies, the fee prescribed by paragraph (2) –

(a) is payable to the Board upon any children being received to be looked after in the circumstances described in that paragraph, and

(b) is due to be paid within one calendar month of any children being received to be looked after in the circumstances described in that paragraph.

Persons who must pay fees.

6. (1) Any fee payable under these Regulations in respect of an application for registration of premises, or in respect of registered premises, is payable by the person who is the occupier of those premises at the relevant time.

(2) Any fee payable under these Regulations in respect of an application for registration of a child-minder, or in respect of a registered child-minder, is payable by that child-minder.

(3) In paragraph (1), "**the relevant time**" –

(a) in the case of an application for registration of premises, means the time at which the application is made, and

(b) in any other case, the date on which the fee becomes payable.

Refunds.

7. (1) A fee paid to the Board upon an application for registration of premises or a child-minder under section 15(1) shall be refunded if the Board refuses the application.

(2) Except as specified in paragraph (1), no fee paid to the Board is refundable in whole or in part even if –

- (a) the registration of the premises or child-minder concerned is cancelled,
- (b) children cease to be received to be looked after in those registered premises or (as the case may be) by the registered child-minder,
- (c) the Board has by order under regulation 4 amended the register kept under section 15(1)(a) to change the category in which those premises are registered to a category for which a lower premises registration fee is payable, or
- (d) children are received to be looked after in those premises under conditions, or in a number, which in effect places those premises into a category for which a lower premises registration fee is payable.

Interpretation.

8. (1) In these Regulations, unless the context requires otherwise –

"appropriate category of registration" –

- (a) means the category of registration that best corresponds to –
- (i) the type of premises concerned, and
 - (ii) if applicable, the maximum number of children that may be received to be looked after at any one time in those premises, and
- (b) if there is any doubt as to which of two or more categories of registration is the appropriate category of registration, means the category of registration that attracts the higher or (as the case may be) highest premises registration fee,

"the Board" means the States Health and Social Services Department^b,

"category" or **"category of registration"** means a category of registration set out in the Schedule,

"certificate of registration" means a certificate of registration issued by the Board under section 17,

"child-minder" means any person required to be registered under section 15(1)(b),

"child-minder registration fee" means the child-minder registration

^b Recueil d'Ordonnances Tome XXIX, p. 406.

fee set out in the Schedule,

"commencement date" means the date set out in regulation 13,

"Law of 1972" means the Child Protection (Guernsey) Law, 1972,

"premises registration fee", in relation to any premises, means the premises registration fee set out in the Schedule for the appropriate category of registration for those premises,

"registered child-minder" means a child-minder registered under section 15(1)(b),

"registered premises" means premises registered under section 15(1)(a),

"registration fee" –

- (a) in respect of registered premises, means the premises registration fee for the category in which those premises are registered, and
- (b) in respect of a registered child-minder, means the child-minder registration fee,

and other expressions have the same meanings as in the Law of 1972.

(2) If there is any doubt as to which of two or more amounts is payable as a fee under these Regulations in respect of the registration or continuing registration of any premises, the higher or (as the case may be) highest amount is payable.

- (3) In these Regulations, unless the context requires otherwise –
- (a) any reference to a section is a reference to a section of the Law of 1972, and
 - (b) any reference to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(4) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of these Regulations.

Transitional provisions for those registered before commencement date.

9. (1) On the coming into force of these Regulations –
- (a) any premises that are registered under section 15(1)(a) immediately before the commencement date shall be deemed to be registered in the appropriate category of registration, and the Board shall amend the register accordingly, and
 - (b) any child-minder who is registered under section 15(1)(b) immediately before the commencement date, shall continue to be so registered.
- (2) On payment of the fee prescribed by regulation 10(1), the Board shall issue an amended certificate of registration in respect of –

^c Ordres en Conseil Vol. XIII, p. 355.

- (a) each premises to which paragraph (1)(a) applies, and
- (b) each child-minder to whom paragraph (1)(b) applies.

(3) An amended certificate of registration for any premises to which paragraph (1)(a) applies shall include particulars of –

- (a) the category in which those premises are deemed to be registered, and
- (b) the fee paid under regulation 10(1) in respect of those premises.

Transitional and other fees for those registered before commencement date.

10. (1) An amount equivalent to the registration fee is payable as a fee to the Board in accordance with paragraph (2) in respect of –

- (a) each premises to which regulation 9(1)(a) applies, and
- (b) each child-minder to whom regulation 9(1)(b) applies.

(2) The fee prescribed by paragraph (1) –

- (a) is payable upon the commencement date, and
- (b) in each case, is due to be paid to the Board within one calendar month of the commencement date.

(3) For the avoidance of doubt, regulation 3 applies with any necessary modifications to –

- (a) any premises to which regulation 9(1)(a) applies, and
- (b) any child-minder to whom regulation 9(1)(b) applies.

Extent.

11. These Regulations have effect –

- (a) in the Islands of Guernsey, Herm and Jethou, and
- (b) in the Island of Alderney, subject to any relevant exceptions, adaptations and modifications made by the Alderney (Application of Legislation) (Child Protection) Ordinance, 2000^d in relation to the Law of 1972 as it has effect in that island.

Citation.

12. These Regulations may be cited as the Child Protection (Registration Fees) (Guernsey and Alderney) Regulations, 2011.

Commencement.

13. These Regulations come into force on the 1st of April, 2011.

Dated this 8th day of March, 2011



Deputy A. H. ADAM

Minister of the Health and Social Services Department

For and on behalf of the Department

^d

Recueil d'Ordonnances Tome XXVIII, p. 295.

SCHEDULE

Regulation 8(1)

REGISTRATION FEES AND CATEGORIES OF REGISTRATION

Interpretation

In this Schedule, "school holidays" –

- (a) includes public holidays, but
- (b) excludes any weekend other than a weekend that occurs in between two school terms or during a half-term break.

Types of premises

Premises registered under section 15(1)(a) shall be divided into the following types for the purposes of placing them in the appropriate categories of registration:

TYPE OF PREMISES	CONDITIONS
Charitable premises	All children are received to be looked after without any fee, payment or reward, other than the least possible fee or payment to cover disbursements such as food and drink
Sessional holiday club / play scheme	<ul style="list-style-type: none">• All children are received to be looked after only during school holidays• All children received to be looked after are 2 years or older• All children are received to be looked after for a continuous period not exceeding 6 hours in any one day• Not charitable premises

TYPE OF PREMISES	CONDITIONS
Full day holiday club / play scheme	<ul style="list-style-type: none"> • All children are received to be looked after only during school holidays • All children received to be looked after are 2 years or older • Not a sessional holiday club / play scheme • Not charitable premises
Crèche	<ul style="list-style-type: none"> • Children are received to be looked after during term-time (whether or not they are also so received during school holidays) • All children are received to be looked after only for a continuous period not exceeding 6 hours in any one day • All children are received to be looked after only while the parent or other person who would otherwise be in charge of the children is attending an event or taking part in an activity in those premises or adjacent premises • Not charitable premises
Pre-school or after-school	<ul style="list-style-type: none"> • Children are received to be looked after during term-time (whether or not they are also so received during school holidays) • All children are received to be looked after only for a continuous period not exceeding 6 hours in any one day • All children received to be looked after are 2 years or older • Not a crèche • Not charitable premises
Nursery	Any other premises registered under section 15(1)(a), other than one of the five types described above

Registration fees

Child-minder registration fee:

£50

Premises registration fee:

As set out in the table below

CATEGORY OF REGISTRATION			PREMISES REGISTRATION FEE
Category number	Type		
1	Charitable premises		£ nil
<i>Premises other than charitable premises:</i>			
2	Sessional holiday club / playscheme		£50
3	Full day holiday club / playscheme		£100
<i>Premises other than charitable premises or holiday clubs:</i>			
	Type	Maximum number of children that may be received to be looked after at any one time	
4	Crèche; pre- school or after-school	10	£100
5	Crèche; pre- school or after-school	20	£150
6	Crèche; pre- school or after-school	40	£200

CATEGORY OF REGISTRATION			PREMISES REGISTRATION FEE
7	Crèche; pre-school or after-school	60	£250
8	Crèche; pre-school or after-school	80	£300
9	Crèche; pre-school or after-school	More than 80	£350
10	Nursery	10	£200
11	Nursery	20	£250
12	Nursery	40	£300
13	Nursery	60	£350
14	Nursery	80	£400
15	Nursery	More than 80	£450

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe fees payable for the registration and continuing registration of child-minders and non-domestic premises used for childcare.

Fifteen different categories are set out in the Schedule for registration of premises, together with the registration fee payable for each category. For example, childcare premises that do not accept a fee or reward for childcare (other than the minimal fee or payment to cover disbursements) attract a nil registration fee.

Transitional provisions are set out for premises that, and child-minders who, were registered prior to the commencement of these Regulations.

These regulations will commence on 1st April 2011.