

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 2: Child Minding and Day Care for Children

Section 34: Protection of children in an emergency: cancellation of registration

86. **Section 34** provides for the Welsh Ministers to apply to a justice of the peace for an order cancelling a person's registration with immediate effect if it appears that a child is suffering or is likely to suffer significant harm. Such an application may be made without notice and any order made must be in writing. The Welsh Ministers must serve a copy of the order on the registered person as soon as possible, together with any written statement made in support of the application and notice of the right of appeal. Subsection (7) requires the Welsh Ministers to notify the relevant local authority of the order.
87. Subsection (8) defines "harm" as having the same meaning as in the Children Act 1989 ("the 1989 Act") and the question of whether harm is significant is to be determined in accordance with section 31(10) of the 1989 Act. In the 1989 Act "harm" means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another. The provisions of section 31(10) of the 1989 Act provide that where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.