

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 2: Child Minding and Day Care for Children

Section 36: Procedure for taking certain steps

89. **Section 36** sets out the procedures for the Welsh Ministers to give advance notice to a registered person or applicant for registration if they propose to take one of a number of steps affecting registration. The steps are: refusing an application for registration; imposing a new condition on a person's registration; varying or removing any condition imposed on a person's registration; refusing to grant an application for the variation or removal of any such condition; cancelling a person's registration.
90. Subsection (2) provides that section 36 does not apply to actions taken in response to emergency situations under section 34 (protection of children in an emergency: cancellation of registration) or section 35 (protection of children in an emergency: changes to conditions).
91. When the Welsh Ministers have served notice of their proposal, subsection (5) prevents them from taking the proposed step until 28 days have passed from the date of service of the notice, unless the recipient of the notice notifies the Welsh Ministers that they wish to object to the step being taken. If the recipient gives notice that they wish to object, the Welsh Ministers must provide the recipient of a notice with an opportunity to object before taking the proposed step (subsection (6)). If the Welsh Ministers decide to take the step, they must give the recipient notice of their decision (subsection (8)). This duty applies whether or not the recipient gives notice of a wish to object.