



Children and Families (Wales) Measure 2010

2010 nawm 1

PART 2

CHILD MINDING AND DAY CARE FOR CHILDREN

Emergency protection

34 Protection of children in an emergency: cancellation of registration

- (1) In relation to a person registered under this Part, the Welsh Ministers may apply to [^{F1}the family court] for an order cancelling the person's registration.
- (2) If it appears to [^{F2}the court] that a child for whom child minding or day care is being, or may be, provided by that person is suffering or is likely to suffer significant harm, [^{F2}the court] may make the order.
- (3) An application under subsection (1) may be made without notice.
- (4) An order under subsection (2)—
 - (a) must be made in writing, and
 - (b) has effect from the time when it is made.
- (5) If an order is made under subsection (2), the Welsh Ministers must serve on the registered person as soon as is reasonably practicable after the making of the order—
 - (a) a copy of the order,
 - (b) a copy of any written statement in support of the application for the order, and
 - (c) notice of any right of appeal conferred by section 37(2).
- (6) The documents mentioned in subsection (5) may be served on the registered person by—
 - (a) delivering them to the person, or
 - (b) sending them by post to the person's last known address.

Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Cross Heading: Emergency protection. (See end of Document for details)

- (7) If an order is made under subsection (2), the Welsh Ministers must, as soon as reasonably possible after the making of the order, notify the local authority in whose area the person concerned acts or acted as a child minder, or provides or provided day care, of the making of the order.
- (8) For the purposes of this section and section 35, “harm” has the same meaning as in the Children Act 1989 (c. 41) and the question of whether harm is significant is to be determined in accordance with section 31(10) of that Act.

Textual Amendments

- F1** Words in s. 34(1) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 208\(a\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 34(2) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 208\(b\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Commencement Information

- I1** S. 34 in force at 1.4.2011 by [S.I. 2010/2582](#), art. 2, [Sch. 1](#) (with [Schs. 2, 3](#))

35 Protection of children in an emergency: changes to conditions

- (1) Subsection (2) applies where—
- (a) a person is registered under this Part, and
 - (b) the Welsh Ministers have reasonable cause to believe that unless they act under this section a child will suffer or is likely to suffer significant harm.
- (2) If this subsection applies, the Welsh Ministers may, by giving notice under this section to the person registered under this Part, provide for any decision of the Welsh Ministers that is mentioned in subsection (3) to take effect from the time when the notice is given.
- (3) Those decisions referred to in subsection (2) are decisions under section 29 to vary or remove a condition for the time being in force in relation to the registration or to impose an additional condition.
- (4) A notice under this section may be served on a person—
- (a) by delivering it to the person, or
 - (b) by sending it by post to the person's last known address.
- (5) The notice must—
- (a) state that it is given under this section,
 - (b) state the Welsh Ministers' reasons for believing that the circumstances fall within subsection (1)(b),
 - (c) specify the condition varied, removed or imposed, and explain the right of appeal conferred by section 37.

Commencement Information

- I2** S. 35 in force at 1.4.2011 by [S.I. 2010/2582](#), art. 2, [Sch. 1](#) (with [Schs. 2, 3](#))

Changes to legislation:

There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Cross Heading: Emergency protection.