



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 2

#### CHILD MINDING AND DAY CARE FOR CHILDREN

##### *Process and requirements of registration*

#### **24 Applications for registration: child minding**

- (1) A person who proposes to act as a child minder may make an application to the Welsh Ministers for registration as a child minder.
- (2) An application must—
  - (a) give any prescribed information about prescribed matters,
  - (b) give any other information which the Welsh Ministers reasonably require the applicant to give, and
  - (c) be accompanied by any prescribed fee.
- (3) The Welsh Ministers must grant an application if—
  - (a) the applicant is not disqualified from registration under section 38, and
  - (b) it appears to the Welsh Ministers that all the prescribed requirements for registration as a child minder are satisfied and are likely to continue to be satisfied.
- (4) The Welsh Ministers must refuse any application under subsection (1) which subsection (3) does not require them to grant.

#### **25 Prescribed requirements for registration as a child minder**

The prescribed requirements for registration as a child minder may include requirements relating to—

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- (a) the applicant;
- (b) the premises on which the child minding is to be provided;
- (c) the arrangements for child minding on those premises;
- (d) any person who may be caring for children on those premises;
- (e) any person who may be on those premises.

## **26 Applications for registration: day care for children**

- (1) A person who proposes to provide day care for children on particular premises may make an application to the Welsh Ministers for registration as a provider of day care on those premises.
- (2) An application must—
  - (a) give any prescribed information about prescribed matters,
  - (b) give any other information which the Welsh Ministers reasonably require the applicant to give, and
  - (c) be accompanied by any prescribed fee.
- (3) The Welsh Ministers must grant an application if—
  - (a) the applicant is not disqualified from registration under section 38, and
  - (b) it appears to the Welsh Ministers that all the prescribed requirements for registration of day care providers are satisfied and are likely to continue to be satisfied.
- (4) The Welsh Ministers must refuse any application under subsection (1) which subsection (3) does not require them to grant.

## **27 Prescribed requirements for registration of providers of day care for children**

The prescribed requirements for registration of providers of day care for children may include requirements relating to—

- (a) the applicant;
- (b) the premises on which the day care is to be provided;
- (c) the arrangements for day care on those premises;
- (d) any person who may be caring for children on those premises;
- (e) any other person who may be on those premises.

## **28 Entry on the register and certificates**

- (1) If an application under section 24(1) is granted, the Welsh Ministers must—
  - (a) register the applicant in the child minders register as a child minder, and
  - (b) give the applicant a certificate of registration stating that the applicant is registered.
- (2) If an application under section 26(1) is granted, the Welsh Ministers must—
  - (a) register the applicant as a day care provider in respect of the premises in question, and
  - (b) give the applicant a certificate of registration stating that the applicant is registered.

- (3) A certificate of registration given to the applicant under subsection (1) or (2) must contain prescribed information about prescribed matters.
- (4) If there is a change in circumstances which requires the amendment of a certificate of registration, the Welsh Ministers must give the registered person an amended certificate.
- (5) If the Welsh Ministers are satisfied that a certificate of registration has been lost or destroyed, the Welsh Ministers must give the registered person a copy, on payment by the registered person of any prescribed fee.

## **29 Conditions on registration**

- (1) The Welsh Ministers may impose such conditions as they think fit on the registration under this Part of a person who acts as a child minder or a person who provides day care for children.
- (2) This power may be exercised at any time when the Welsh Ministers register a person under section 24 or section 26 or at any subsequent time.
- (3) The Welsh Ministers may at any time vary or remove any condition imposed under this section.
- (4) A person registered under this Part commits an offence if, without reasonable excuse, that person fails to comply with any condition imposed under this section.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **30 Regulations governing activities**

- (1) The Welsh Ministers may make regulations governing the activities of registered persons who act as child minders, or provide day care, on premises in Wales.
- (2) The regulations under this section may deal with the following matters (among others)  
—
  - (a) the welfare and development of the children concerned;
  - (b) suitability to look after, or be in regular contact with, the children concerned;
  - (c) qualifications and training;
  - (d) the maximum number of children who may be looked after and the number of persons required to assist in looking after them;
  - (e) the maintenance, safety and suitability of premises and equipment;
  - (f) the procedures for dealing with complaints;
  - (g) the supervision of staff;
  - (h) the keeping of records;
  - (i) the provision of information.
- (3) If the regulations require any person (other than the Welsh Ministers) to have regard to or meet factors, standards or other matters prescribed by or referred to in the regulations, they may also provide for any allegation that the person has failed to do so to be taken into account—
  - (a) by the Welsh Ministers in the exercise of their functions under this Part, or
  - (b) in any proceedings under this Part.

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(4) Regulations may provide—

- (a) that a registered person who without reasonable excuse contravenes, or otherwise fails to comply with, any requirement of the regulations is guilty of an offence; and
- (b) that a person guilty of the offence is liable on summary conviction to a fine not exceeding level 5 on the standard scale.