



Children and Families (Wales) Measure 2010

2010 nawm 1

PART 2

CHILD MINDING AND DAY CARE FOR CHILDREN

Disqualification from registration

39 Consequences of disqualification

- (1) A person who is disqualified from registration under this Part by regulations under section 38 must not—
 - (a) act as a child minder in Wales,
 - (b) provide day care in Wales or be directly concerned in the management of any provision of day care in Wales.
- (2) A person must not employ, in connection with the provision of day care or child minding in Wales, a person who is disqualified from registration under this Part by regulations under section 38.
- (3) A person who contravenes subsection (1) or (2) commits an offence.
- (4) A person who contravenes subsection (1) is not guilty of an offence under subsection (3) if—
 - (a) the person is disqualified from registration by virtue only of regulations under section 38(4), and
 - (b) the person proves that he or she did not know, and had no reasonable grounds for believing, that he or she was living—
 - (i) in the same household as a person who was disqualified from registration, or
 - (ii) in a household in which such a person was employed.

Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010, Section 39. (See end of Document for details)

- (5) A person who contravenes subsection (2) is not guilty of an offence under subsection (3) if the person proves that he or she did not know, and had no reasonable grounds for believing, that the person employed was disqualified from registration.
- (6) A person guilty of an offence under subsection (3) is liable on summary conviction to imprisonment for a term not exceeding 51 weeks, or to a fine not exceeding level 5 on the standard scale, or to both.
- (7) In relation to an offence committed before the commencement of section 281(5) of the Criminal Justice Act 2003 (c. 44) (alteration of penalties for summary offences), the reference in subsection (7) to 51 weeks is to be read as a reference to 6 months.

Commencement Information

II S. 39 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, Section 39.