
WELSH STATUTORY INSTRUMENTS

2016 No. 98

**The Regulation of Child Minding
and Day Care (Wales) Order 2016**

Conditions of registration

12.—(1) This article applies where, immediately before the transfer date, a person provides day care for children in circumstances in which, if it were to be provided on or after that date it would be contrary to that day care provider's conditions of registration imposed under section 29 of the Measure because of the effect of article 11(1) of this Order.

(2) Where a person to whom paragraph (1) applies submits an application to the Welsh Ministers to vary conditions of registration before the transfer date, the Welsh Ministers must determine that application within a period of five months of the transfer date.

(3) During the period specified in paragraph (2) —

- (a) a person who has submitted an application to vary conditions of registration is not liable to prosecution under section 29 of the Measure where the breach of conditions is a consequence of the effect of article 11(1) of this Order; and
- (b) section 31(2)(b) of the Measure does not apply where the breach of conditions is a consequence of the effect of article 11(1) of this Order.