WELSH STATUTORY INSTRUMENTS

2011 No. 993 (W.146)

TAX CREDITS, WALES

The Tax Credits (Approval of Child Care Providers) (Wales) (Amendment) Scheme 2011

Made - - - -	*28 March 2011*
Laid before the National Assembly for Wales - -	*30 March 2011*
Coming into force - -	*1 April 2011*

The Welsh Ministers, being the appropriate national authority under section 12(6) of the Tax Credits Act 2002(**1**), make the following amendments to the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007(**2**) in exercise of the powers conferred by sections 12(5), (7) and (8) and 65(3) and (9) of that Act.

Title, commencement, application and interpretation

1.—(1) The title of this Scheme is the Tax Credits (Approval of Child Care Providers) (Wales) (Amendment) Scheme 2011 and it comes into force on 1 April 2011.

(2) This Scheme applies in relation to Wales.

(3) In this Scheme "the principal Scheme" ("*y prif Gynllun*") means the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007.

Amendment of article 2 of the principal Scheme

2. In article 2 of the principal Scheme (definitions), in the definition of "approval body" ("*corff cymeradwyo*"), for "body referred to in article 3" substitute "Welsh Ministers".

Revocation of article 3 of the principal Scheme

3. Article 3 of the principal Scheme (specified body) is revoked.

(**1**) 2002 c. 21. The functions of the National Assembly for Wales under sections 12(5), (7) and (8) and 65(3) and (9) of the Tax Credits Act 2002 ("the Act") were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). *See* section 67 of the Act for the definition of "prescribed" and section 65(3) for the definition of "schemes".

(**2**) S.I. 2007/226 (W.20), as amended by S.I. 2008/2687 (W. 237).

Amendment of article 6 of the principal Scheme

4. For paragraph (1) of article 6 of the principal Scheme (approved person) substitute the following—

"(1) A person will be given approval as a child care provider under this Scheme if the approval body is satisfied that the approval criteria are met in relation to that person.".

Amendment of article 7 of the principal Scheme

5. In paragraph (b) of article 7 of the principal Scheme (approval criteria) for "National Assembly for Wales" substitute "Welsh Ministers".

Amendment of articles 8, 9 and 10 of the principal Scheme

6. In articles 8 (approval system), 9 (provision of information by approval body) and 10 (period of approval) of the principal Scheme, for "must", in each place it appears, substitute "will".

Amendment of article 12 of the principal Scheme

7. In article 12 of the principal Scheme (fees) omit ", subject to the approval of the National Assembly for Wales,".

Revocation of article 13 of the principal Scheme

8. Article 13 of the principal Scheme (transitional provisions) is revoked.

Insertion of articles in the principal Scheme

9. The following articles are inserted in the principal Scheme—

"**Saving**

14.—(1) Notwithstanding the coming into force of this Scheme, any approval granted to a child care provider by the former approval body which is valid immediately before 1 April 2011 continues to have effect in respect of that provider until whichever is the earliest, the date on which—

(a) such approval is withdrawn in accordance with article 6;

(b) such approval expires by the effluxion of time; or

(c) the child care provider concerned is given an approval by the approval body pursuant to article 6.

(2) In this article and in article 15, "former approval body" ("*cyn gorff cymeradwyo*") means Nestor Primecare Services Limited, trading as Nestor Criminal Records Agency(**3**).

Transitional provision

15. Where an application for approval as a child care provider has been submitted to but has not been granted or refused by the former approval body before 1 April 2011, such an application for approval will be determined by the approval body.".

(**3**) Registered in England and Wales No. 1963820.