WELSH STATUTORY INSTRUMENTS

2011 No. 577 (W.82) (C.20)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

The Children and Families (Wales) Measure 2010 (Commencement No.2, Savings and Transitional Provisions) (Amendment) and (Consequential Amendments) Order 2011

Made - - - - 1 March 2011

The Welsh Ministers, in exercise of the powers conferred by sections 74(2)(c) and 75(3) of the Children and Families (Wales) Measure 2010(**1**), make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Children and Families (Wales) Measure 2010 (Commencement No.2, Savings and Transitional Provisions) (Amendment) and (Consequential Amendments) Order 2011.

(2) In this Order "the Commencement No. 2 Order" ("*Gorchymyn Cychwyn Rhif 2*") means the Children and Families (Wales) Measure 2010 (Commencement No.2, Savings and Transitional Provisions) Order 2010(**2**).

Amendment of the Commencement No.2 Order

2.—(1) With effect from 4 March 2011, the Commencement No.2 Order is amended as follows.

(2) After article 4, insert the following—

"**Consequential amendments to miscellaneous subordinate legislation**

5. Schedule 4, which contains amendments to miscellaneous subordinate legislation in consequence of the commencement of the provisions specified in Schedule 1, has effect and comes into force on 1 April 2011."

(3) After Schedule 3, insert Schedule 4 which is set out in the Schedule to this Order.

(**1**) 2010 nawm 1.
(**2**) S.I.2010/2582 (W.216) (C.123).

Huw Lewis
Deputy Minister for Children, under authority of the Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

1 March 2011

SCHEDULE Article 2(2)

SCHEDULE TO BE INSERTED AS SCHEDULE 4 TO THE COMMENCEMENT NO. 2 ORDER

"SCHEDULE 4 Article 5

CONSEQUENTIAL AMENDMENTS TO MISCELLANEOUS SUBORDINATE LEGISLATION

Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975

1.—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975(**3**) is amended as follows.

(2) In article 2—

(a) in paragraph (a) of the definition of "child minding", for "section 79A of the Children Act 1989" substitute "section 19 of the Children and Families (Wales) Measure 2010", and

(b) in paragraph (a) of the definition of "day care", for "section 79D(5) of the Children Act 1989" substitute "section 23(1) of the Children and Families (Wales) Measure 2010".

Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993

2.—(1) The Non-Domestic Rating (Demand Notices) (Wales) Regulations 1993(**4**) are amended as follows.

(2) Schedule 2 (explanatory information for supply with rate demand notices) is amended as follows–

(a) in Part I, in paragraph 1, under the heading "Small Business Rate Relief", in paragraph (f), for "Part XA of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010", and

(b) in Part II, in paragraph 1, under the heading "Rhyddhad Ardrethi i Fusnesau Bach", in paragraph (dd), for "Ran XA o Deddf Plant 1989" substitute "Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010".

Social Security Benefit (Computation of Earnings) Regulations 1996

3.—(1) The Social Security (Computation of Earnings) Regulations 1996(**5**) are amended as follows.

(2) In Schedule 2 (childcare charges to be deducted in the calculation of earnings), in paragraph 2, in the definition of "relevant child care charges"—

(a) in paragraph (e), for "Part XA of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010", and

(b) for paragraph (f) substitute—

"(f) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school referred to in article 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010;".

(**3**) S.I.1975/1023.
(**4**) S.I. 1993/252.
(**5**) S.I. 1996/2745.

Housing Renewal Grants Regulations 1996

4.—(1) The Housing Renewal Grants Regulations 1996(**6**) are amended in relation to Wales as follows.

(2) In regulation 19(7) (treatment of child care charges)—

(a) in sub-paragraph (f), for "Part XA of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010", and

(b) for sub-paragraph (g) substitute—

"(g) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010;".

Police Act 1997 (Criminal Records) Regulations 2002

5.—(1) The Police Act 1997 (Criminal Records) Regulations 2002(**7**) are amended as follows.

(2) Regulation 2 (interpretation) is amended as follows—

(a) in the definition of "child minding", for "section 79A(2) of the Children Act 1989" substitute "section 19(2) of the Children and Families (Wales) Measure 2010", and

(b) in the definition of "day care", for "section 79A(6) of the Children Act 1989" substitute "section 19(3) of the Children and Families (Wales) Measure 2010".

(3) In paragraph (g) of regulation 5A (enhanced criminal record certificates: prescribed purposes), for "Part XA of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010". .

Disqualification from Caring for Children (England) Regulations 2002

6.—(1) The Disqualification from Caring for Children (England) Regulations 2002(**8**) are amended as follows.

(2) In regulation 2(10) (grounds for disqualification)—

(a) omit "or" where it appears after sub-paragraph (c), and

(b) at the end of sub-paragraph (d) substitute a semi colon for the full stop and insert the following —

"or

(e) Part 2 of the Children and Families (Wales) Measure 2010.".

Independent Schools (Provision of Information) (Wales) Regulations 2003

7.—(1) The Independent Schools (Provision of Information) (Wales) Regulations 2003(**9**) are amended as follows.

(2) In Part 2 of the Schedule (information required in an application), in paragraph 3(7), for "paragraph 1(2) of Schedule 9A to the Childrens Act 1989" substitute "article 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010(**10**)".

(**6**) S.I. 1996/2890.
(**7**) S.I. 2002/233.
(**8**) S.I. 2002/635.
(**9**) S.I. 2003/3230 (W.310).
(**10**) S.I. 2010/2839 (W.233).

Disqualification from Caring for Children (Wales) Regulations 2004

8.—(1) The Disqualification from Caring for Children (Wales) Regulations 2004(**11**) are amended as follows.

(2) In regulation 3 (interpretation)—

(a) in paragraph (1), omit the definitions of—

(i) "appropriate office" ("*swyddfa briodol*"), and

(ii) "disqualified" ("*wedi'i ddatgymhwyso / wedi'u datgymhwyso*);

(b) omit paragraph (2); and

(c) re-number the existing provision in paragraph (1) as regulation 3.

(3) In Part II of the Schedule, in paragraph 28 (refusal of registration, disqualification and cancellation of registration for provision of nurseries, day care or for child minding), after sub-paragraph (c), insert—

"(ca) Part 2 of the Children and Families (Wales) Measure 2010;".

Government of Maintained Schools (Wales) Regulations 2005

9.—(1) The Government of Maintained Schools (Wales) Regulations 2005(**12**) are amended as follows.

(2) In Schedule 5 (qualifications and disqualifications), in paragraph 9(bc) (persons whose employment is prohibited or restricted), for "Part XA of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010".

Housing Benefit Regulations 2006

10.—(1) The Housing Benefit Regulations 2006(**13**) are amended as follows.

(2) In regulation 28(8) (treatment of child care charges)—

(a) in sub-paragraph (c), for "Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010", and

(b) for sub-paragraph (d) substitute—

"(d) by a person who is excepted from registration under Part 2 of the Children and Families (Wales) Measure 2010 because the child care that person provides is in a school or establishment referred to in article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010;".

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

11.—(1) The Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(**14**) are amended as follows.

(2) In regulation 31(8) (treatment of child care charges)—

(a) in sub-paragraph (c), "for Part 10A of the Children Act 1989" substitute "Part 2 of the Children and Families (Wales) Measure 2010", and

(b) for sub-paragraph (d) substitute—

(**11**) S.I. 2004/2695 (W.235).
(**12**) S.I. 2005/2914 (W.211).
(**13**) S.I. 2006/213.
(**14**) S.I. 2006/214.