WELSH STATUTORY INSTRUMENTS

2010 No. 2839 (W.233)

SOCIAL CARE WALES CHILDREN AND YOUNG PERSONS WALES

The Child Minding and Day Care Exceptions (Wales) Order 2010

Made - - - - 25 November 2010

Coming into force - - 1 April 2011

The Welsh Ministers make the following order in exercise of the power in section 19(4) and (5) and section 74(2) of the Children and Families (Wales) Measure 2010(**1**).

PART 1

Title, commencement, interpretation and application

1.—(1) The title of this Order is the Child Minding and Day Care Exceptions (Wales) Order 2010 and comes into force on 1 April 2011.

(2) This Order applies in relation to Wales.

(3) In this Order—

"the 2010 Measure" ("*Mesur 2010*") means the Children and Families (Wales) Measure 2010;

"domestic premises" ("*mangre ddomestig*") means any premises which are used wholly or mainly as a private dwelling;

"parent" ("*rhiant*") includes a person who is not a parent but who has parental responsibility for a child;

"premises" ("*mangre*") includes any area and any vehicle;

"relative" ("*perthynas*") means a grandparent, brother, sister, uncle or aunt (whether of the full blood or the half blood or by marriage or civil partnership) or step parent.

(4) Unless the contrary intention appears, words in the singular include the plural and words in the plural include the singular.

(**1**) 2010 (nawm 1).

PART 2

Child minding exceptions

2. A person who looks after a child under the age of eight on domestic premises for reward does not act as a child minder for the purposes of Part 2 of the 2010 Measure in the circumstances described in the following articles 3 to 7.

3.—(1) A person looking after a child does not act as a child minder if that person—

(i) is a parent, or a relative of the child; or,

(ii) is a foster parent for the child.

(2) In this article "foster parent" ("rhiant maeth") includes a person with whom a child has been placed by a local authority or by a voluntary organisation or a person who fosters a child privately.

4. A person does not act as a child minder where the period, or the total of the periods, in any one day in which the person looks after children does not exceed two hours.

5.—(1) A person who is employed —

(a) (i) to look after a child or sibling group for parents ("the first parents"), or

(ii) to look after a second child or sibling group for parents ("the second parents") in addition to the children looked after for the first parents, and

(b) who looks after the children concerned wholly or mainly in the first or second parents' own home or homes,

does not act as a child minder.

(2) In this article—

(a) "employed" ("*cael ei gyflogi*") means employed either under a contract of employment or under a contract for services;

(b) "parent" ("*rhiant*") includes a person who is a relative of the child;

(c) "sibling group" ("*grŵp o siblingiaid*") includes half-brothers and half-sisters.

6. A person does not act as a child minder where the person only begins to look after the child in the period between 6pm on any one day and finishes looking after the child by 2am the following day.

7.—(1) A person does not act as a child minder where the person looks after a child or children in the course of friendship with the parents of that child or children and where no payment is made for the service.

(2) In this article "payment" ("*taliad*") means a payment of money or money's worth but does not include the provision of goods or services.

PART 3

Day care for children exceptions

8. A person who provides care for children under the age of eight on premises other than domestic premises is not providing day care for the purposes of the 2010 Measure in the circumstances set out in the following articles 9 to 15.

9. A person does not provide day care where the care is provided by that person on the premises in question on fewer than 6 days in any calendar year and the person has notified the Welsh Ministers in writing before the first occasion on which the premises concerned are used in that year.