WELSH STATUTORY INSTRUMENTS

2010 No. 2582 (W.216) (C.123)

SOCIAL CARE, WALES

CHILDREN AND YOUNG PERSONS, WALES

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

Made - - - - 20 October 2010

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) Order 2010.

(2) In this Order—

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(**2**);

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

"the Disqualification Regulations" ("*y Rheoliadau Anghymwyso*") means the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010(**3**).

Provisions coming into force on 1 April 2011

2. Subject to articles 3, 4 and 5, the provisions of the Measure specified in Schedule 1 come into force on 1 April 2011.

Saving provision for the Disqualification Regulations

3. Notwithstanding the repeal of sections 79C(2) and (3) and 79M of the 1989 Act, the Child Minding and Day Care (Disqualification) (Wales) Regulations 2010 continue to have effect until such time as regulations are made under section 38 of the Measure (*disqualification from registration*).

(**1**) 2010 nawm 1.
(**2**) 1989 c. 41.
(**3**) S.I. 2010/1703 (W.163).

Savings and transitional provisions

4. Schedules 2 and 3, which make savings and transitional provisions in connection with the commencement by this Order of the provisions set out in Schedule 1, have effect and come into force on 1 April 2011.

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

20 October 2010

SCHEDULE 1

Article 2

PROVISIONS COMING INTO FORCE ON 1 APRIL 2011

Section 19	Meaning of child minding and day care for children
Section 20	Register of child minders
Section 21	Duty of child minders to register
Section 22	Register of providers of day care for children
Section 23	Duty of day care providers to register
Section 24	Applications for registration: child minding
Section 25	Prescribed requirements for registration as a child minder
Section 26	Applications for registration: day care for children
Section 27	Prescribed requirements for registration of providers of day care for children
Section 28	Entry on register and certificates
Section 29	Conditions on registration
Section 30	Regulations governing activities
Section 31	Cancellation of registration
Section 32	Suspension of registration
Section 33	Voluntary removal from the register
Section 34	Protection of children in an emergency: cancellation of registration
Section 35	Protection of children in an emergency: changes to conditions
Section 36	Procedure for taking certain steps
Section 37	Appeals
Section 38	Disqualification from registration
Section 39	Consequences of disqualification
Section 40	Inspection
Section 41	Powers of entry
Section 42	Powers of inspection
Section 43	Power of constable to assist in exercising powers of entry
Section 44	Supply of information to the Welsh Ministers
Section 45	Supply of information to local authorities

Section 46	Offence of making false or misleading statement
Section 47	Penalty notices
Section 48	Penalty notices: supplementary provisions
Section 49	Time limit for proceedings
Section 50	Offences by bodies corporate
Section 51	Unincorporated associations
Section 52	Functions of local authorities
Section 53	Fees
Section 54	Co-operation between authorities
Section 55	Notices
Section 56	Death of registered person
Section 72 and Schedule 1 in so far as they relate to	(i) paragraphs 1 to 18; (ii) paragraphs 21 to 28.
Section 73 and Schedule 2 in so far as they relate to	(i) the Children Act 1989; (ii) the Education Act 2002; and (iii) the Childcare Act 2006.

SCHEDULE 2

Article 4

GENERAL SAVINGS

Interpretation

1. In this Schedule and in Schedule 3—

"First-tier Tribunal" ("*Tribiwnlys Haen Cyntaf*") has the same meaning as in the Tribunals, Courts and Enforcement Act 2007(**4**).

General savings for things done before the relevant date

2.—(1) Unless in Schedule 3 the contrary intention appears, the coming into force of the provisions set out in Schedule 1 does not affect—

(a) any act done, any notice served, any application made or any decision taken; or

(b) any requirement or limitation of time; or

(c) any legal proceedings commenced; or

(d) any order made by a court, a justice of the peace or the First-Tier Tribunal

under, or in relation to any of the provisions amended or repealed as a consequence of the commencement of Schedules 1 and 2 of the Measure.

(**4**) 2007 c. 15.

(2) In relation to the provisions amended or repealed as consequence of the commencement of Schedules 1 and 2 of the Measure, legal proceedings may be brought or continued and remedies or penalties may be imposed and enforced in relation to acts done under, in relation to, or in contravention of any of those provisions before the relevant date, as if the amendments or repeals had not been made.

SCHEDULE 3

Article 4

SAVINGS AND TRANSITIONAL PROVISIONS IN RESPECT OF PART XA OF AND SCHEDULE 9A TO THE 1989 ACT, AND PART 2 OF THE MEASURE

Interpretation

1. In this Schedule—

"Part 2 of the Measure" ("*Rhan 2 o'r Mesur*") means sections 19 to 56 of the Measure;

"the 2002 Regulations" ("*Rheoliadau 2002*") means the Child Minding and Day Care (Wales) Regulations 2002(**5**);

"the 2010 Regulations" ("*Rheoliadau 2010*") means the Child Minding and Day Care (Wales) Regulations 2010(**6**);

"the Suspension Regulations 2004" ("*Rheoliadau 2004*") means the Suspension of Day Care Providers and Child Minders (Wales) Regulations 2004(**7**);

"the Exceptions Order 2010" ("*Gorchymyn Eithriadau*") means the Child Minding and Day Care Exceptions (Wales) Order 2010;

"the Disqualification Regulations 2010" ("*Rheoliadau Anghymwyso 2010*") means the Disqualification from Caring for Children (Wales) Regulations 2010(**8**);

"the relevant date" ("*y dyddiad perthnasol*") means 1 April 2011;

"transfer" ("*trosglwyddo*") in relation to registration refers to the process for which provision is made in paragraph 2(2) and "transferred" ("*trosglwyddwyd*") is to be construed accordingly.

Registration of Child Minders and Day Care Providers under Part XA of and Schedule 9A to the 1989 Act on 1 April 2011

2.—(1) This paragraph applies in respect of a person who immediately before the relevant date—

(a) is registered as a child minder by the Welsh Ministers under section 79(F)(1) of the 1989 Act (*grant or refusal of registration*); or

(b) is registered as a provider of day care for children by the Welsh Ministers under section 79(F)(2) of the 1989 Act.

(2) With effect from the relevant date, a person referred to in sub-paragraph (1) will, for the purposes of Part 2 of the Measure, be treated as having applied for and having been granted registration.

(3) Where a person's registration is transferred pursuant to sub-paragraph (2), any condition, which was imposed upon that person under section 79F(3) (*grant or refusal of registration*) or 79M(2) (*appeals*) of the 1989 Act and which applied to a person's registration immediately before the

(**5**) S.I. 2002/812 (W.92).
(**6**) S.I. 2010/2574 (W.214).
(**7**) S.I. 2004/3282 (W.285).
(**8**) S.I. 2010/1703 (W.163).