WELSH STATUTORY INSTRUMENTS

2003 No. 2708 (W.259)

SOCIAL CARE, WALESCHILDREN AND YOUNG PERSONS, WALES

The Child Minding and Day Care (Amendment) (Wales) Regulations 2003

Made - - - -	*21st October 2003*
Coming into force - -	*22nd October 2003*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 79C and 104(4) of the Children Act 1989(**1**), hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Child Minding and Day Care (Amendment) (Wales) Regulations 2003 and shall come into force on 22 October 2003.

(2) These Regulations apply in relation to persons who act as child minders or provide day care on relevant premises in Wales.

Amendments

2. The Child Minding and Day Care (Wales) Regulations 2002(**2**) shall be amended as follows —

(a) replace regulation 4(3)(c)(i) with "except where paragraphs (4) or (5) apply, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;"

(b) after regulation 4(3)(c) (iii) insert "(iv) where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1, 2, 4 and 7 of Schedule 2.";

(c) replace regulation 4(5) with "This paragraph applies where a person in charge has been appointed";

(d) after regulation 4 insert

"**Appointment of person in charge**

4A.—(1) The registered person shall appoint an individual to be the person in charge of the provision of day care if —

(**1**) 1989 c. 41; section 79C was inserted by section 79 of the Care Standards Act 2000 (c. 14).
(**2**) S.I 2002/812 (W.92).

(a) there is no person in charge of the provision of day care; and

(b) the registered person is an organisation and the responsible individual is not a suitable person or is not or does not intend to be in full day to day charge of the provision of day care; or

(c) the registered person is not a suitable person or is not or does not intend to be in full day to day charge of the provision of day care.

(2) Where the registered person appoints a person in charge of the provision of day care he or she shall forthwith give notice to the appropriate office of the National Assembly of the date on which the person shall take charge.

Person in charge — suitability

4B.—(1) A person shall not act as the person in charge of the provision of day care unless he or she is suitable to do so.

(2) A person is not so suitable unless the person satisfies the requirements set out in paragraph (3);

(3) The requirements are that the person —

(a) is of suitable integrity and good character to look after children under the age of eight;

(b) is physically and mentally fit to look after children under the age of eight; and

(c) full and satisfactory information or documentation, as the case may be, is available in relation to the person—

(i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;

(ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 2;

(iii) and further, where paragraph (4) applies, a written report of a check on the lists maintained pursuant to section 1 of the Protection of Children Act 1999 and regulations made under section 218 of the Education Reform Act 1988.

(4) This paragraph applies where an individual has applied for a certificate referred to in paragraph 2 of Schedule 2 but the certificate has not been issued."

(e) In regulation 5(1) after "The registered person" insert "or the person in charge".

(f) In regulation 5 after paragraph (3) insert —

"(4) Where a person in charge has been appointed the registered person shall ensure that the person in charge undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care."

(g) In regulation 6(1) after "the registered person" insert ",the person in charge".

(h) In regulation 6(2) after "the registered person" insert "or the person in charge".

(i) In the Welsh text of regulation 21(1) substitute "Rhaid i'r person cofrestredig" with "Rhaid i'r person cofrestredig mewn, cysylltiad â safleoedd perthnasol".