



Childcare Funding (Wales) Act 2019

2019 anaw 1

An Act of the National Assembly for Wales to make provision for the funding by the Welsh Ministers of childcare for children of working parents; and for connected purposes. [30 January 2019]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PROSPECTIVE

Provision of funding for childcare

1 Funding of childcare for children of working parents

- (1) The Welsh Ministers must provide funding in respect of childcare for qualifying children of working parents.
- (2) Regulations must specify the amount of childcare to be secured by virtue of funding provided under subsection (1).
- (3) A qualifying child of working parents is a child under compulsory school age—
 - (a) who is in Wales;
 - (b) who is of an age (or within an age range) specified in regulations;
 - (c) who meets any other conditions specified in regulations;
 - (d) in respect of whom a declaration has been made, in accordance with regulations, to the effect that the requirements of paragraphs (a), (b) and (c) are or continue to be satisfied.
- (4) Conditions specified under subsection (3)(c) in respect of a child may (among other things) relate to primary education (within the meaning of section 2(1)(a) of the Education Act 1996) received by, or made available to, the child.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Childcare Funding (Wales) Act 2019. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Conditions specified under subsection (3)(c) in respect of a child may also relate to a parent of the child, or a partner of a parent of the child, including (among other things) to paid work carried out by a parent or a partner.
- (6) Provision made under subsection (3)(d) in respect of a declaration may (among other things) include provision about when a declaration is to be made, the duration of a declaration, and conditions that are to be met by a person making a declaration.
- (7) Regulations may make provision, for the purposes of this section, about—
 - (a) circumstances in which a child is, or is not, to be regarded as being in Wales;
 - (b) circumstances in which a person is, or is not, to be regarded as another person's partner;
 - (c) circumstances in which a person is, or is not, to be treated as carrying out paid work.
- (8) For the purposes of this section, “parent”, in relation to a child, includes—
 - (a) any individual who has parental responsibility (within the meaning of the Children Act 1989 (c. 41)) for the child;
 - (b) any individual who has care of the child.
- (9) References in this section to regulations are to regulations made by the Welsh Ministers.

PROSPECTIVE

Power to make regulations in respect of childcare funding

2 Power to make provision about administration etc. of funding

- (1) The Welsh Ministers may by regulations make provision about the administration and operation of any arrangements made by the Welsh Ministers for the purposes of section 1.
- (2) The provision which may be made by the regulations includes (among other things) provision within sections 3 to 7.
- (3) References in those sections to “the regulations” are references to regulations under this section.

PROSPECTIVE

Provision for disclosure of information

3 Requirement for parents etc. to provide information

- (1) The regulations may make provision requiring a person to provide documents or information specified in the regulations, or of a description specified in the regulations, to the Welsh Ministers or to a person providing services to the Welsh Ministers.

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- (2) But a requirement may not be imposed on a person by virtue of this section unless the person has made, or is making, a declaration under section 1(3)(d).
- (3) The regulations may make provision for a penalty to be imposed on a person who provides false or misleading information in connection with a requirement imposed by virtue of this section.
- (4) In subsection (3) “false or misleading” means false or misleading in a material particular.
- (5) But a person is not liable to a penalty by virtue of this section in respect of anything if the person has been convicted of an offence in relation to it.
- (6) The maximum amount of any penalty that may be specified in or determined in accordance with the regulations by virtue of subsection (3) is £3,000.

4 Provision of information by third parties

- (1) The regulations may permit the Commissioners for Her Majesty's Revenue and Customs, or a person providing services to the Commissioners, to provide qualifying information to the Welsh Ministers or to a person providing services to the Welsh Ministers.
- (2) The regulations may also permit a government department or a Minister of the Crown, or a person providing services to a government department or a Minister of the Crown, to provide qualifying information to the Welsh Ministers or to a person providing services to the Welsh Ministers.
- (3) The regulations may permit or require a local authority, or a person providing services to a local authority, to provide qualifying information to the Welsh Ministers, or to a person providing services to the Welsh Ministers.
- (4) “Qualifying information” means information that is specified in the regulations or that is of a description specified in the regulations; but information or a description of information may be so specified only if the Welsh Ministers consider it appropriate to do so for the purposes of determinations as to eligibility for funding under section 1.
- (5) Provision for the disclosure of information held by—
 - (a) the Commissioners for Her Majesty's Revenue and Customs;
 - (b) a Minister of the Crown;
 - (c) a government department;
 - (d) a person providing services to a person mentioned in paragraph (a), (b) or (c),may be made in the regulations only if the appropriate Minister has consented to the provision.
- (6) The appropriate Minister is—
 - (a) in relation to the Commissioners for Her Majesty's Revenue and Customs, the Treasury;
 - (b) in relation to a Minister of the Crown or a government department, the Secretary of State.