

# CHILDCARE FUNDING (WALES) ACT 2019

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 3 - Requirement for parents etc. to provide information*

10. The effect of this section is that anyone who is currently claiming funding, or claiming it for the first time, and so has to make or is making a declaration under section 1, may be required to provide information and documents specified in the regulations, either to the Welsh Ministers or to someone (for instance a scheme administrator) providing services to the Welsh Ministers.
11. The regulations may also make provision for a person who provides false or misleading information to be subject to a financial penalty. “False or misleading” in this context means false or misleading in a material particular. This means, in practice, that a person would only be liable to a penalty if the false or misleading information provided was such as to have a bearing on whether or not a person would be eligible for the offer, such as details of their earnings, the age of the child etc. Section 3(5) deals with the interrelationship between a penalty under this section, and proceedings for an offence, say for obtaining a pecuniary advantage by deception. It provides that a person who has been convicted of an offence may not also be subjected to a penalty in respect of the same circumstances.
12. [Section 3\(6\)](#) provides that the maximum amount of any financial penalty that can be levied in regulations made under section 2 is £3,000. The Welsh Ministers have power to amend this maximum amount in regulations (see section 11 of the Act).