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WELSH STATUTORY INSTRUMENTS

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**2002 No. 812**

**The Child Minding and Day Care (Wales) Regulations 2002**

**PART II —  
REGISTERED PERSONS**

**Registered person — suitability**

4.—(1) A person shall not act as a child minder or provide day care unless the person is suitable to look after children under the age of eight.

(2) A person is not so suitable unless the person—

(a) is an individual who acts as a child minder alone or who provides day care alone or in partnership with one or more persons, and satisfies the requirements set out in paragraph (3); or

(b) in the case of a person providing day care, is an organisation and—

(i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the provision of such day care; and

(ii) that individual 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.

(4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997<sup>(1)</sup> has not been brought into force.

(5) A person is not suitable to act as a child minder or provide day care if—

(a) the person has been adjudged bankrupt or sequestration of the person’s estate has been awarded and (in either case) the person has not been discharged and the bankruptcy order has not been annulled or rescinded; or

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(1) 1997 c. 50. Sections 113 and 115, as amended have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these Regulations.

- (b) the person has made a composition or arrangement with the person's creditors and has not been discharged in respect of it.

### **Registered person — general requirements**

5.—(1) The registered person shall, having regard to

- (a) the statement of purpose, the number and needs (including any needs arising from disability) of the relevant children, and
- (b) the need to safeguard and promote their welfare,

act as a child minder or provide day care (as the case may be) with sufficient care, competence and skill.

(2) Where a registered person acts as a child minder or is an individual providing day care, the registered person shall undertake from time to time such training as is appropriate to ensure that he or she, as the case may be, has the experience and skills necessary for acting as a child minder or providing day care, as the case may be.

(3) Where the registered person is an organisation providing day care it shall ensure that the responsible individual undertakes such training as is appropriate to ensure that he or she has the skills necessary for providing day care.

### **Notification of offences**

6.—(1) Where the registered person or the responsible individual is convicted of any criminal offence whether in Wales or elsewhere, the person convicted shall forthwith give notice in writing to the appropriate office of the National Assembly of—

- (a) the date and place of the conviction,
- (b) the offence of which the person was convicted, and
- (c) the penalty imposed on the person in respect of the offence.

(2) Where the registered person is charged with any offence in respect of which an order may be made under Part II of the Criminal Justice and Court Services Act 2000<sup>(2)</sup> the person shall forthwith give notice in writing to the appropriate office of the National Assembly of the offence charged and the date and place of charge.

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(2) 2000 c. 50.