

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 2: Child Minding and Day Care for Children

Section 39: Consequences of disqualification

99. **Section 39** sets out the effect of disqualification on a person. A person who is disqualified under section 38 must not act as a child minder in Wales or provide day care in Wales or be directly concerned in the management of any provision in Wales; neither can a registered person employ a disqualified person in connection with the provision of day care or child minding.
100. Subsection (3) provides that contravention of subsection (1), by the person disqualified, or contravention of subsection (2), by an employer, is an offence. In both cases the offence is punishable on summary conviction by imprisonment for a term not exceeding 51 weeks or to a fine not exceeding level 5 on the standard scale (currently £5000), or both. Where the offenders' disqualification is the result of his being part of the same household as another person who is disqualified or the offence is one of employing a disqualified person, then it will be a defence for a person to prove that they didn't know and had no reasonable grounds for believing that they lived with or in a household with or had employed a disqualified person.