



Children and Families (Wales) Measure 2010

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PART 2

CHILD MINDING AND DAY CARE FOR CHILDREN

Cancellation and suspension of registration

31 Cancellation of registration

- (1) The Welsh Ministers must cancel the registration of a person registered under this Part if it appears to them that the person has become disqualified from registration under section 38.
- (2) The Welsh Ministers may cancel the registration of a person registered under this Part if it appears to them that any of the following apply—
 - (a) the requirements for registration that apply in relation to the person's registration under section 25 or 27 have ceased, or will cease, to be satisfied;
 - (b) the person has failed to comply with a condition imposed on that person's registration under this Part;
 - (c) the person has failed to comply with a requirement imposed on that person by regulations under this Part;
 - (d) the person has failed to pay a prescribed fee.
- (3) Where a requirement to make any changes or additions to any services, equipment or premises has been imposed on a person registered under this Part, that person's registration may not be cancelled on the ground of any defect or insufficiency in the services, equipment or premises if—
 - (a) the time set for complying with the requirement has not expired, and
 - (b) it is shown that the defect or insufficiency is due to the changes or additions not having been made.

- (4) A cancellation under this section must be in writing.
- (5) The Welsh Ministers may prescribe other circumstances in which the registration of a person registered under this Part may be cancelled.

32 Suspension of registration

- (1) Regulations may provide for the registration of any person under this Part to be suspended.
- (2) Regulations under subsection (1) may include (among other things) provision about—
 - (a) the period of suspension;
 - (b) the circumstances in which registration may be suspended;
 - (c) suspension of registration at the request of the registered person.
- (3) Regulations under subsection (1) must include provision conferring on the registered person a right of appeal to the First-tier Tribunal against suspension.
- (4) The duty in subsection (3) does not apply in relation to suspension at the request of the registered person.
- (5) A person registered under this Part for child minding by the Welsh Ministers must not act as a child minder in Wales at a time when that registration is suspended.
- (6) A person registered under this Part for providing day care on any premises by the Welsh Ministers must not provide day care on those premises at any time when that registration is suspended.
- (7) If a person contravenes subsection (5) or (6) without reasonable excuse, that person is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

33 Voluntary removal from the register

- (1) A person registered under this Part may give notice to the Welsh Ministers to remove that person from the child minding register or (as the case may be) the day care for children register.
- (2) If a person gives notice under subsection (1), the Welsh Ministers must remove that person from the child minding register or (as the case may be) the day care for children register.
- (3) The Welsh Ministers must not act under subsection (2) if—
 - (a) the Welsh Ministers have sent the person a notice (under section 36) of their intention to cancel the person's registration, and
 - (b) the Welsh Ministers still intend to take that step.
- (4) The Welsh Minister must not act under subsection (2) if—
 - (a) the Welsh Ministers have sent the person a notice (under section 36) of their decision to cancel that person's registration, and
 - (b) the time within which an appeal under section 37 may be brought has not expired or, if such an appeal has been brought, it has not been determined.