



Childcare Funding (Wales) Act 2019

2019 anaw 1

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.
- (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.

5 Onward disclosure of information disclosed by virtue of section 3 or 4

- (1) The regulations may make provision for the onward disclosure of information that has been disclosed by virtue of section 3 or 4.
- (2) But subsection (3) applies in the case of information disclosed in accordance with provision to which the appropriate Minister has consented under section 4(5).
- (3) The regulations may make provision for the onward disclosure of the information only if the appropriate Minister (within the meaning of section 4) has consented to the provision for onward disclosure.
- (4) The regulations may include provision creating criminal offences in connection with the onward disclosure of information that relates to a particular person.
- (5) If the regulations create a criminal offence relating to the onward disclosure of information, provision made for any penalty of imprisonment on conviction on indictment may not specify a term of imprisonment exceeding two years (whether or not accompanied by a fine).