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WELSH STATUTORY INSTRUMENTS

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**2010 No. 2574**

**The Child Minding and Day Care (Wales) Regulations 2010**

**PART 6**

**SUSPENSION OF A PERSON'S REGISTRATION  
UNDER PART 2 OF THE MEASURE**

**Voluntary suspension**

**46.**—(1) A registered person may give notice to the Welsh Ministers to suspend their registration on the child minding register or, as the case may be, the day care for children register maintained under Part 2 of the Measure (“a voluntary suspension notice”) (*“hysbysiad o ataliad gwirfoddol”*).

(2) A voluntary suspension notice must —

- (a) be made in writing;
- (b) contain the following information—
  - (i) the date upon which the period of voluntary suspension begins (“the effective date”) (*“y dyddiad dod i rym”*),
  - (ii) where it is known, the date upon which the period of voluntary suspension is to end (“the termination date”) (*“y dyddiad terfynu”*),
  - (iii) the reason why the period of voluntary suspension is requested;
- (c) be sent or delivered to the appropriate office not less than five working days before the effective date, or such shorter period before that date as the Welsh Ministers may agree.

(3) A registered person must provide such other information or documents as the Welsh Ministers may reasonably require in relation to the voluntary suspension notice.

(4) If a registered person—

- (a) gives notice in accordance with paragraphs (1) or (8)(b); and
- (b) that voluntary suspension notice complies with the requirements in paragraph (2),

unless paragraph (5) applies, the Welsh Ministers must suspend, or extend the period of suspension in respect of, that person’s registration on the child minding register or, as the case may be, the day care for children register (“voluntary suspension”) (*“ataliad gwirfoddol”*).

(5) The Welsh Ministers may not act in accordance with paragraph (4) if—

- (a) the Welsh Ministers have sent, or have given the registered person notice of their decision to suspend that person from the register in accordance with regulation 40; or
- (b) in the case of a person whose registration has been suspended by the Welsh Ministers in accordance with regulation 40 and the person has—
  - (i) made a written request to the Welsh Ministers that the suspension be lifted and that request has not yet been determined; or
  - (ii) appealed to the First-tier Tribunal in accordance with regulation 45 and that appeal has not yet been determined.

(6) Where the Welsh Ministers have acted in accordance with paragraph (4), they must send the registered person written confirmation that their registration on the child minding register or, as the case may be, on the day care for children register has been suspended in accordance with the voluntary suspension notice

(7) There is no right of appeal to the First-tier Tribunal against a decision of the Welsh Ministers to refuse to take action in respect of a notice for voluntary suspension given by the registered person.

(8) A registered person whose registration has been suspended voluntarily may, at any time before the termination date, give notice in writing, which complies, where relevant with the requirements of paragraph (2), to the Welsh Ministers that they require—

- (a) the voluntary suspension to be lifted in advance of the termination date; or requiring
- (b) the period of voluntary suspension to be extended for such further period as the person specifies in the notice.

(9) The fact that a person's registration has been suspended voluntarily in accordance with this regulation does not prevent the Welsh Ministers from exercising their power to suspend that person's registration in accordance with regulation 40.