

SCHEDULE 3

SAVINGS AND TRANSITIONAL PROVISIONS IN RESPECT OF PART XA OF AND SCHEDULE 9A TO THE 1989 ACT, AND PART 2 OF THE MEASURE

Persons not eligible for registration under Part XA of and Schedule 9A to the 1989 Act before 1 April 2011

4.—(1) This sub-paragraph applies to any person (“an unregistered child minder”) who before the relevant date—

- (a) is not eligible to register as a child minder under Part XA of and Schedule 9A to the 1989 Act but is required to register under Part 2 of the Measure;
- (b) looks after children under the age of eight on domestic premises for reward; and
- (c) duly makes an application before 1 July 2011 under section 24 of the Measure for registration as a child minder.

(2) The provisions under section 21(1), (2), (5) and (6) of the Measure do not apply to an unregistered child minder under sub-paragraph (1)—

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing with the Welsh Ministers; or
- (b) if the application is granted subject to conditions which have not been so agreed, or refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service upon the unregistered provider of the decision of the Welsh Ministers; or
 - (ii) if an appeal is brought, until it is determined or abandoned.

(3) This sub-paragraph applies to any person (“an unregistered provider of day care for children”) who before the relevant date—

- (a) is not eligible to register as provider of day care under Part XA of and Schedule 9A to the 1989 Act;
- (b) looks after children under the age of eight on premises other than domestic premises for reward; and
- (c) duly makes an application before 1 July 2011 under section 26 of the Measure for registration as a provider of day care for children.

(4) The provisions under section 23 (1) and (2) of the Measure do not apply to an unregistered provider of day care for children under sub-paragraph (3) in respect of their premises—

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing with the Welsh Ministers; or
- (b) if the application is granted subject to conditions which have not been so agreed, or refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service upon the unregistered provider of the decision of the Welsh Ministers; or
 - (ii) if an appeal is brought, until it is determined or abandoned.