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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes provision for the determination of turnover of a recognised person for the purposes of section 32AB of the Education Act 1997 (“the 1997 Act”).

Section 32AA of the 1997 Act provides that, if it appears to the Welsh Ministers that a recognised person (as defined in section 32A(5) of the 1997 Act) has failed to comply with a condition of their recognition under section 32(3A) and (4) of the 1997 Act, the Welsh Ministers may impose a monetary penalty on that person. The amount of monetary penalty may be whatever the Welsh Ministers decide is appropriate in all the circumstances of the case, but must not exceed 10% of the recognised person’s turnover, as determined by this Order.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with this Order.