
WELSH STATUTORY INSTRUMENTS

2022 No. 1188

**The Child Minding and Day Care (Disqualification)
(No. 2) (Wales) Regulations 2022**

Care of children and offences against children or adults

3.—(1) Subject to paragraphs (9), (10) and (11) and regulation 9, a person (“P”) is disqualified if any of paragraphs (2) to (8) apply.

(2) Any of the orders or other determinations specified in Schedule 1 has been made—

- (a) with respect to P,
- (b) which prevents P from being registered in relation to any facility in which children are looked after or from being involved in the management of or otherwise concerned with the provision of any such facility, or
- (c) with respect to a child who has been in P’s care.

(3) An order has been made with respect to P under section 104 of the Sexual Offences Act 2003⁽¹⁾ despite the offence having been repealed in England and Wales.

(4) P has been found to have committed an offence against a child within the meaning of section 26(1) of the 2000 Act⁽²⁾ despite the offence having been repealed.

(5) P—

- (a) has been found to have committed any offence specified in paragraph 1 of Schedule 2 or an offence that is related to such an offence, or
- (b) falls within paragraph 2 of that Schedule,

despite the fact that the statutory offences in that Schedule have been repealed.

(6) P has been found to have committed any offence other than an offence referred to in paragraph (4) or (5) involving bodily injury to, or death of, a child.

(7) P has been found to have committed any offence specified in Schedule 3 or an offence that is related to such an offence.

(8) P has been—

- (a) found to have committed any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act⁽³⁾ or an offence that is related to such an offence, or
- (b) charged with any offence, committed against a person aged 18 or over, mentioned in paragraph 2 of Schedule 4 to the 2000 Act or an offence that is related to such an offence in respect of which a relevant order has been imposed by a senior court,

(1) 2003 c. 42. Section 104 was repealed in relation to England and Wales by section 113(1) of, and paragraphs 1 and 3 of Schedule 5 to, the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12) (“the 2014 Act”). Section 104 remains in force in Northern Ireland and Scotland but is subject to repeal in Scotland by section 39(1)(a) of the Abusive Behaviour and Sexual Harm (Scotland) Act 2016 (asp 22) (“the 2016 Act”). For transitional provisions and savings see section 114(1), (2), and (4) to (6) of the 2014 Act and section 40 of the 2016 Act.

(2) Section 26 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006, subject to savings specified in article 5 of S.I. 2012/2231.

(3) Schedule 4 was repealed by section 63(2) of, and Schedule 10 to, the Safeguarding Vulnerable Groups Act 2006.

despite the fact that the statutory offences in that Schedule have been repealed.

(9) P is not disqualified under paragraphs (1) to (8) in respect of any order, determination or offence if—

- (a) P has successfully appealed against the order, determination or conviction,
- (b) a caution in respect of that offence has been withdrawn or set aside,
- (c) a direction based wholly or in part on the offence has been revoked, or
- (d) an order has been made under section 12 of the Powers of Criminal Courts (Sentencing) Act 2000⁽⁴⁾ or section 79 or 80 of the Sentencing Code⁽⁵⁾ discharging P absolutely or conditionally in respect of that offence.

(10) P is not disqualified by virtue of paragraph (2)—

- (a) if an order is made under the 1989 Act under which P was placed in the care or under the supervision of a designated local authority or similar body, unless an order has also been made as a result of P's care of their own child, or
- (b) where P is a foster carer or adoptive parent of a child, and that child is or was made the subject of a care or supervision order under the 1989 Act, unless the order is made as a result of P's care of that child.

(11) P is not disqualified from registration by virtue of paragraph (2) in respect of any refusal or cancellation of registration under the provisions set out in paragraph 23(c) of Schedule 1 if—

- (a) the refusal or cancellation is in respect of registration with a child-minder agency, or
- (b) the sole reason for the refusal or cancellation of registration was the failure to pay any fee prescribed under Part 3 of the Children and Young Persons Act (Northern Ireland) 1968⁽⁶⁾.

Commencement Information

II [Reg. 3](#) in force at 6.12.2022 in accordance with [reg. 1\(2\)](#)

⁽⁴⁾ 2000 c. 6. Section 12 was repealed by paragraph 1 of Schedule 28 to the Sentencing Act 2020 (c. 17), subject to savings and transitional provisions specified in sections 412 and 416(7) and paragraphs 1, 2, 4 and 5 of Schedule 27.

⁽⁵⁾ Section 1(1) of the Sentencing Act 2020 provides that Parts 2 to 13 of that Act together make up a code called the "Sentencing Code".

⁽⁶⁾ 1968 c. 34 (N.I.). Section 127 was repealed by article 185(2) of, and Schedule 10 to, S.I. 1995/755 (N.I. 2).

Changes to legislation:

There are currently no known outstanding effects for the The Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022, Section 3.