

Draft Order laid before the National Assembly for Wales under section 74(5) of the Children and Families (Wales) Measure 2010, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2016 No. (W.)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Child Minding and Day Care
Exceptions (Wales) (Amendment)
Order 2016**

EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of the Children and Families (Wales) Measure 2010 enables the Welsh Ministers to specify by Order, exceptions to what constitutes “child minding” and “day care for children”.

This Order is made under section 19(4) and (5) of the Measure. It amends the Child Minding and Day Care Exceptions (Wales) Order 2010 (“the 2010 Order”) to extend the circumstances in which a person whose activity would otherwise fall within the definition of “child minding” or “day care for children” is excepted from it and who is not therefore required to register.

Articles 3 and 4 of this Order make consequential amendments to articles 2 and 8 of the 2010 Order.

Article 5 of this Order excludes youth service provision for young persons who have attained the age of eleven from the requirement to register.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to this Order. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with this Order. A copy can be obtained from the Education and Public Services Group, Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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Made *xxxx*

Coming into force *1 April 2016*

The Welsh Ministers make the following Order in exercise of the powers conferred upon them by section 19(4) and (5) of the Children and Families (Wales) Measure 2010⁽¹⁾.

A draft of this Order has been laid before, and approved by resolution of, the National Assembly for Wales before being made, in accordance with section 74(5) of the Children and Families (Wales) Measure 2010.

Title, commencement and application

1.—(1)The title of this Order is the Child Minding and Day Care Exceptions (Wales) (Amendment) Order 2016.

(2) This Order comes into force on 1 April 2016.

(3) This Order applies in relation to Wales.

(1) 2010 nawm1.

Amendments to the Child Minding and Day Care Exceptions (Wales) Order 2010

2. The Child Minding and Day Care Exceptions (Wales) Order 2010⁽¹⁾ (“the 2010 Order”) is amended in accordance with articles 3 to 5 of this Order.

3. In article 2 of the 2010 Order—

- (a) for “under the age of eight” substitute “under the age of twelve”;
- (b) for “in the following articles 3 to 7.” substitute “in articles 3 to 7 and 16 of this Order.”.

4. In article 8 of the 2010 Order—

- (a) for “under the age of eight” substitute “under the age of twelve”;
- (b) for “in the following articles 9 to 15” substitute “in articles 9 to 16 of this Order.”.

5.—(1) After article 15 of the 2010 Order insert—

“**16.**—(1) A person does not provide child minding or day care if and to the extent that—

- (a) the person solely provides a youth service for young persons who have attained the age of eleven; and
- (b) any care provided is incidental to the provision of that youth service.”.

(2) In this article “youth service” (“*gwasanaeth ieuctid*”) means an activity of a type listed in paragraph (3).

(3) For the purposes of paragraph (2), the type of activity are those—

- (a) that encourage, enable or assist young persons who have attained the age of 11 to participate effectively in:
 - (i) leisure and recreational activities;
 - (ii) education and training;
 - (iii) the life of their communities; and
- (b) where no payment or a nominal payment only is required from young persons to participation in such activity.”.

Minister for Communities and Tackling Poverty, one of the Welsh Ministers

Date

(1) S.I.2010/2839 (W. 233).