

2008 No. 2691 (W. 239)

SOCIAL CARE, WALES

**CHILDREN AND YOUNG PERSONS,
WALES**

**The Disqualification from Caring
for Children (Wales) (Amendment)
Regulations 2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Disqualification from Caring for Children (Wales) Regulations 2004 (“the 2004 Regulations”).

The 2004 Regulations make provision for the circumstances in which a person is disqualified from fostering a child privately and set out the categories of persons who are disqualified from registering in Wales as child minders or providers of day care. The categories of persons so disqualified under the 2004 Regulations include a person convicted of offences specified in the Schedule to the 2004 Regulations except where that person has appealed against their disqualification order and the appeal body has determined that the person is no longer to be subject to the disqualification order. Under the 2004 Regulations appeals against disqualification orders were made to the Tribunal established by section 9 of the Protection of Children Act 1999 (“the Tribunal”).

Pursuant to the Tribunals, Courts and Enforcement Act 2007 the existing functions of the Tribunal have been transferred to the First-tier Tribunal and these Regulations amend the 2004 Regulations accordingly. They provide that any reference to the Tribunal in the 2004 Regulations shall be replaced by a reference to the First-tier Tribunal and insert into regulation 3 of the 2004 Regulations a definition of the First-tier Tribunal.

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Made 8 October 2008

Laid before the National Assembly for Wales
10 October 2008

Coming into force 3 November 2008

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 68(1) and (2), 79C (2) and (3), 79M (1)(c) and 104(4) of and paragraph 4 of Schedule 9A to the Children Act 1989(1).

Title and commencement

1.—(1) The title of these Regulations is the Disqualification from Caring for Children (Wales) (Amendment) Regulations 2008 and they come into force on 3 November 2008.

(2) These Regulations apply in relation to Wales.

(1) 1989 c14. Functions under sections 68(1) and (2), so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and thereafter were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. Functions of the National Assembly for Wales under sections 79C(2) and (3), 79M(1)(c) and 104(4) and paragraph 4 of Schedule 9A were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Amendment of the Disqualification from Caring for Children (Wales) Regulations 2004

2.—(1) The Disqualification from Caring for Children (Wales) Regulations 2004⁽¹⁾ are amended in accordance with the following provisions of this regulation.

(2) In regulation 3 (interpretation)—

- (a) omit the definition of “Tribunal”;
- (b) insert the following definition in the appropriate place in alphabetical order –
““First-tier Tribunal” (*“Tribiwnlys Haen Gyntaf”*) has the same meaning as in the Tribunals, Courts and Enforcement Act 2007⁽²⁾”.

(3) In Schedule 1, Part 1, paragraphs 1 and 2 for “Tribunal”, in each place, substitute “First-tier Tribunal”.

Jane Hutt

Minister for Children, Education, Lifelong Learning
and Skills, one of the Welsh Ministers

8 October 2008

(1) S.I. 2004/2695 (W.235).
(2) 2007 c.15.