

**2009 No. 3265 (W.286)**

**SOCIAL CARE, WALES**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Children Act 1989  
(Amendment of Miscellaneous  
Regulations) (No. 2) (Wales)  
Regulations 2009

**EXPLANATORY NOTE**

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

These Regulations revoke The Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2009 which contained drafting errors.

The Children Act 2004 extended the meaning of “organisation” in the Children Act 1989 to include an unincorporated association. These Regulations make amendments to the Childminding and Day Care (Wales) Regulations 2002 and the Registration of Social Care and Independent Health Care (Wales) Regulations 2002 to give administrative effect to that amendment. They also amend the schedule of documents and information that an applicant for registration is required to provide where a person has been appointed to be in charge of day care.

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The Children Act 1989  
(Amendment of Miscellaneous  
Regulations) (No. 2) (Wales)  
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*Made* 9 December 2009

*Laid before the National Assembly for Wales*  
10 December 2009

*Coming into force* 20 January 2010

The Welsh Ministers make the following regulations in exercise of the power conferred on them by sections 79C and 104(4) of the Children Act 1989<sup>(1)</sup>.

**Title, commencement and application**

**1.**—(1) The title of these Regulations is the Children Act 1989 (Amendment of Miscellaneous Regulations)(No.2)(Wales) Regulations 2009 and they come into force on 20 January 2010.

(2) These Regulations apply in relation to Wales.

**Amendment of the Child Minding and Day Care (Wales) Regulations 2002(2)**

**2.**—(1) The Child Minding and Day Care Regulations (Wales) 2002 are amended in accordance with the following provisions of this regulation.

(2) In regulation 2(1) in the line beginning “organisation” (“*corff*”) after “body corporate” add “or unincorporated association”.

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(1) 1989 c.41. Section 79C was inserted by section 79 of the Care Standards Act 2000 (c.14).  
(2) S.I. 2002/812 (W.92).

(3) In regulation 4(2)(b)(i) after “officer of the organisation” add “where that organisation is a body corporate or an officer or member of the governing body where the organisation is an unincorporated association”.

(4) At the end of schedule 3 add –

“(14) The name, home address and telephone number of every current member of the committee or governing body of an unincorporated association.”

### **Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1)**

**3.**—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002 are amended in accordance with the following provisions of this regulation.

(2) In regulation 2 in the definition of “organisation” after “corporate” add -“and, in the case of provision of day care only, a body corporate or unincorporated association”.

(3) Regulation 17(1)(e) and (2) are revoked.

(4) In Regulation 17(1)(d) delete the words “except where paragraph (2) applies,”.

(5) In Schedule 7 paragraph 2(a) after “and” add “,where the organisation is a body corporate,”;

(6) In Schedule 8 paragraph 5 substitute “a body corporate” for “an organisation”.

### **Revocation**

**4.** The Children Act 1989 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2009(2) are revoked.

*Jane Hutt*

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

9 December 2009

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(1) S.I. 2002/919 (W.107).  
(2) S.I. 2009/3041 (W.265).