

SL(6)763 – The Child Minding and Day Care Exceptions (Revocation and Transitional Provision) (Wales) Order 2026

Background and Purpose

This Order is made under Part 2 of the Children and Families (Wales) Measure 2010 (“the Measure”), and revokes and replaces the Child Minding and Day Care Exceptions (Wales) Order 2010 (“the 2010 Order”).

Part 2 of the Measure provides for the registration and inspection of child minders and day care providers in Wales by the Welsh Ministers.

Sections 21(1) and 23(1) of the Measure require a child minder and a person providing day care for children to register with the Welsh Ministers. Section 19(2) of the Measure states that a person provides “child minding” if that person looks after one or more children under the age of 12 on domestic premises for reward. Section 19(3) of the Measure states that a person provides “day care for children” if the person provides care at any time for children under the age of 12 on premises other than domestic premises.

It is an offence under section 21(5) of the Measure for a person to act as a child minder without being registered as a child minder by the Welsh Ministers. Section 23(2) of the Measure makes it an offence for a person to provide day care without being registered to provide day care by the Welsh Ministers.

This Order sets out exceptions to what constitutes “child minding” and “day care for children” for the purposes of Part 2 of the Measure. The Order is made in accordance with powers given to the Welsh Ministers in section 19(4) and (5) of the Measure to specify circumstances in which a person whose activity would otherwise amount to “child minding” or provision of “day care for children” is excepted from the requirement to register.

Part 1 of this Order contains definitions of certain terms used in the Order.

Part 2 sets out various circumstances in which a person is not providing “child minding” for the purposes of Part 2 of the Measure. Where any of the circumstances set out in Part 2 of the Order apply, a person is not required to register as a child minder with the Welsh Ministers.

Part 3 sets out the circumstances in which a person is not providing “day care for children” for the purposes of Part 2 of the Measure. Where any of the circumstances set out in Part 3 of the Order apply, a person is not required to register as a day care provider with the Welsh Ministers.

Part 4 revokes the 2010 Order and makes provision for transitional arrangements.



Procedure

Senedd approval procedure.

The Welsh Ministers have laid a draft of the Order before the Senedd. The Welsh Ministers cannot make the Order unless the Senedd approves the draft Order.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

There is no specific statutory duty to consult before making a new Order under section 19(4) of the Measure. However, a consultation has taken place on the proposed changes and as embodied in a draft Order with relevant stakeholders and the wider public. Paragraph 5.3 of Explanatory Memorandum states:

“A 12 week consultation ran from 11 August 2025 to 3 November 2025 on the draft Order. The consultation was drawn to the attention of a wide audience of key stakeholders including providers of childcare, playwork and activities for children, CWLWM partnership members, Play Wales, schools, local authorities, CIW, Children’s Commissioner for Wales, Estyn, Social Care Wales, Children in Wales, Sport Wales, Arts Council of Wales, WLGA, WCVA, CWVYS, representatives bodies for religious faiths, education providers and charities.”

Welsh Government response

A Welsh Government response is not required.

Committee Consideration

The Committee considered the instrument at its meeting on 2 March 2026 and reports to the Senedd in line with the reporting point above.

