

2008 No. 2687 (W. 237)

TAX CREDITS, WALES

**The Tax Credits (Approval of Child
Care Providers) (Wales)
(Amendment) Scheme 2008**

EXPLANATORY NOTE

(This note is not part of the Scheme)

This instrument amends the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 (“the 2007 Scheme”).

The 2007 Scheme provides for the approval of child care providers for the purposes of section 12(5) of the Tax Credits Act 2002. In particular, it provides for the operation of a system for the determination of applications for approval and a right to appeal against a refusal or withdrawal of approval.

Under the 2007 Scheme appeals were made to the Tribunal established by section 9 of the Protection of Children Act 1999 (“the Tribunal”) and such appeals were dealt with in accordance with the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002. The appeal provisions are set out in article 11 of the 2007 Scheme.

Pursuant to the Tribunals, Courts and Enforcement Act 2007 the existing functions of the Tribunal have been transferred to the First-tier Tribunal, which shall be governed by new Tribunal Procedure Rules made pursuant to section 22 of the 2007 Act.

This instrument amends the 2007 Scheme to take account of these changes. It provides that any reference to the Tribunal in the 2007 Scheme shall be replaced by a reference to the First-tier Tribunal and inserts into article 2 of the 2007 Scheme a definition of the First-tier Tribunal.

It also amends article 11 of the 2007 Scheme by inserting a new paragraph (2) which applies the Tribunal Procedure Rules to any appeal under the 2007 Scheme and omits paragraphs (3) and (4).

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**The Tax Credits (Approval of Child
Care Providers) (Wales)
(Amendment) Scheme 2008**

Made 8 October 2008

Laid before the National Assembly for Wales

10 October 2008

Coming into force 3 November 2008

The Welsh Ministers, being the appropriate national authority under section 12(6) of the Tax Credits Act 2002⁽¹⁾, make the following amendments to the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007⁽²⁾ in exercise of the powers conferred by sections 12(5), (7) and (8) and 65(3) and (9) of that Act⁽³⁾ and after consultation with the Administrative Justice and Tribunals Council. ⁽⁴⁾.

Title and commencement

1.—(1) The title of this instrument is the Tax Credits (Approval of Child Care Providers) (Wales) (Amendment) Scheme 2008 and it comes into force on 3 November 2008.

2. This instrument applies in relation to Wales.

Amendment of the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007

3.—(1) The Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 is amended as follows.

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- (1) 2002 c.21.
(2) S.I. 2007/226 (W.20).
(3) Functions of the National Assembly for Wales under sections 12(5), (7) and (8) and 65(3) and (9) of the Tax Credits Act 2002 were transferred to the Welsh Ministers by operation of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
(4) Tribunals, Courts and Enforcement Act 2007, Schedule 7, paragraph 24 .

- (2) In article 2 (Definitions) —
- (a) omit the definitions of “the Tribunal” and “the Tribunal Regulations”;
 - (b) insert the following definitions at the appropriate place in alphabetical order —
 - ““the First-tier Tribunal” (*“Tribiwnlys Haen Gyntaf”*) has the same meaning as in the Tribunals, Courts and Enforcement Act 2007(1);”;
 - ““the Tribunal Procedure Rules” (*“Rheolau Gweithdrefnau’r Tribiwnlys”*) has the same meaning as in the Tribunals, Courts and Enforcement Act 2007.”.
- (3) In article 11 (Appeals) —
- (a) in paragraphs (1) and (5) for “Tribunal” substitute “First-tier Tribunal”;
 - (b) for paragraph (2) substitute —
 - “(2) Tribunal Procedure Rules apply to an appeal under paragraph (1) as they apply to an appeal under section 79M of the 1989 Act (2).”; and
 - (c) omit paragraphs (3) and (4).

Jane Hutt

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

8 October 2008

(1) 2007 c.15.
(2) 1989 c.41.