

Statutory Instruments with Clear Reports

28 November 2022

SL(6)283 – The Non-Domestic Rating (Persons Required to Supply Information and Service of Notices) (Wales) Regulations 2022

Procedure: Affirmative

Paragraph 5(1B) of Schedule 9 to the Local Government Finance Act 1988 ("the Act") provides that a county council or county borough council in Wales (a "billing authority") may serve a notice on certain persons requiring them to supply information in relation to a hereditament in that billing authority's area. Those persons include a person who is carrying on a business in relation to that hereditament, of a description specified in regulations made by the Welsh Ministers.

These Regulations specify descriptions of the types of business being carried on by a person in relation to a hereditament.

These Regulations also make provision as to how a billing authority may effect service of a notice on a person to whom paragraph 5(1D) of Schedule 9 to the Act applies.

Parent Act: The Local Government Finance Act 1988

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 1 April 2023



Statutory Instruments with Clear Reports

28 November 2022

SL(6)284 – The Marine, Fisheries and Aquaculture (Financial Assistance) Scheme (Wales) Regulations 2022

Procedure: Affirmative

The Marine, Fisheries and Aquaculture (Financial Assistance) Scheme (Wales) Regulations 2022 ("these Regulations") are made by the Welsh Ministers, in exercise of the powers conferred on them by paragraph 2 of Schedule 6 to the Fisheries Act 2020 ("the 2020 Act").

These Regulations establish a Scheme for the giving of grants and making of loans by the Welsh Ministers. Paragraph 2(1) of Schedule 6 to the 2020 Act specifies the purposes for which financial assistance can be given.

Part 1 of these Regulations contains general introductory provisions. Part 2 provides for the establishment of the Scheme. Part 3 constitutes the Scheme and makes provision for the payment of grants and the making of loans by the Welsh Ministers. The Welsh Ministers may pay grants or make loans in respect of the activities listed in the Schedule to these Regulations.

These Regulations set out the basis on which the Welsh Ministers may pay grants and make loans, and lays down a procedure for applications. Payment of a grant or loan is dependent on the Welsh Ministers being satisfied as to the expenditure incurred, or to be incurred, and as to compliance with any conditions of approval.

These Regulations also provide that payment of a grant or loan is conditional on the applicant retaining relevant records and notifying the Welsh Ministers of any material change in circumstances. The Welsh Ministers have the ability to vary, suspend and revoke the approval of an application for a grant or loan and may, by notice, require the repayment of a grant or loan if certain conditions are not satisfied (with any sums outstanding ultimately recoverable as a civil debt).

Representations may be made in respect of decisions relating to applications for grants and loans, and notices of variation, suspension and revocations. The Welsh Ministers must notify the applicant of their decision following such representations.

These Regulations confer an enforcement function on marine enforcement officers appointed by the Welsh Ministers under the Marine and Coastal Access Act 2009 ("the 2009 Act"). The function is for the enforcement of any potential offences committed in relation to an application for a grant or loan under the Scheme (for example, an offence under the



Fraud Act 2006). Relevant enforcement powers for marine enforcement officers under Part 8 of the 2009 Act are also applied for the purposes of this function.

These Regulations replace a previous set of draft regulations laid on 27 September 2022 and considered by the Legislation, Justice and Constitution Committee ("the Committee") at its meeting of 17 October 2022, where a report was issued containing a number of reporting points. These revised Regulations have been laid to address the points raised in that report.

The Committee welcomes the inclusion of a detailed regulatory impact assessment in the revised Explanatory Memorandum that accompanies these Regulations (in response to reporting point 6 of its previous report).

Parent Act: The Fisheries Act 2020

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 1 December 2022



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee

Statutory Instruments with Clear Reports

28 November 2022

SL(6)285 - The Child Minding and Day Care (Disqualification) (No. 2) (Wales) Regulations 2022

Procedure: Made Negative

The Child Minding and Day Care (Disqualification)(No.2)(Wales) Regulations 2022 (the "**Regulations**") set out the categories of persons who are disqualified from registration in Wales as a child minder or provider of day care under Part 2 of the Children and Families (Wales) Measure 2010.

The Regulations revoke and replace the Child Minding and Day Care (Disqualification)(Wales) Regulations 2022, and address the [technical points](#) raised by the Committee in its scrutiny of those regulations.

Persons disqualified under these Regulations must not act as child minders in Wales, provide day care or be concerned in the management of any provision of day care.

The Regulations update the list of offences, orders and determinations which disqualifies a person from working in regulated childcare in Wales.

Schedule 3 to the Regulations includes further additional criminal offences over and above those which currently appear in the equivalent regulations applying in England. These include offences associated with voyeurism and the use of violence, threats or any form of coercion to force another person into marriage.

The Regulations remove provisions which disqualify people from being registered to provide regulated childcare based on the fact that they live with someone who is disqualified or someone who works in their household is disqualified. The Regulations also remove some anomalies in existing regulations to ensure that people who have been subject to a Care or Supervision Order themselves in the past are not automatically disqualified from registration.

Parent Act: Children and Families (Wales) Measure 2010

Date Made: 14 November 2022

Date Laid: 15 November 2022

Coming into force: in accordance with regulation 1(2)



Senedd Cymru
Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad
—
Welsh Parliament
Legislation, Justice and Constitution Committee