



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 226 (Cy.20)

2007 No. 226 (W.20)

CREDYDAU TRETH, CYMRU

TAX CREDITS, WALES

**Y Cynllun Credydau Treth
(Cymeradwyo Darparwyr Gofal
Plant) (Cymru) 2007**

**The Tax Credits (Approval of
Child Care Providers) (Wales)
Scheme 2007**

NODYN ESBONIADOL

EXPLANATORY NOTE

(Nid yw'r nodyn hwn yn rhan o'r Cynllun)

(This note is not part of the Scheme)

Mae'r Cynllun hwn yn darparu ar gyfer cymeradwyo darparwyr gofal plant at ddibenion adran 12(5) o Ddeddf Credydau Treth 2002 ("y Ddeddf")(1). Cynulliad Cenedlaethol Cymru yw'r "awdurdod cenedlaethol priodol" o ran gofal sy'n cael ei ddarparu yng Nghymru. Mae gofal plant cymwys (fel y'i diffinnir) a ddarperir gan berson a gymeradwyir yn unol â'r Cynllun hwn yn golygu gofal a ddarperir gan berson o ddisgrifiad rhagnodedig at ddibenion adran 12(4) o'r Ddeddf. Mae rheoliadau a wnaed o dan adran 12(1) o'r Ddeddf yn rhagnodi o dan ba amgylchiadau y gall hawl i gael credyd treth gwaith ar gyfer gofal a ddarperir gan berson a gymeradwyir yn unol â'r Cynllun hwn godi. (*Gweler* Rheoliadau Credyd Treth Gwaith (Yr Hawl i'w Gael a'r Gyfradd Uchaf) 2002 (O.S. 2002/2005)(2).

This Scheme provides for the approval of child care providers for the purposes of section 12(5) of the Tax Credits Act 2002 ("the Act")(1). The National Assembly for Wales is the "appropriate national authority" in relation to care provided in Wales. Qualifying child care (as defined) provided by a person approved in accordance with this Scheme constitutes care provided by a person of a prescribed description for the purposes of section 12(4) of the Act. Regulations made under section 12(1) of the Act prescribe the circumstances in which entitlement to working tax credit in respect of care provided by a person approved in accordance with this Scheme may arise. (*See* the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)(2).

Pennir y corff cymeradwyo a enwir yn y Cynllun hwn gan Gynulliad Cenedlaethol Cymru o dan adran 12(7) o'r Ddeddf (erthygl 3). Mae ceisiadau am gymeradwyaeth yn cael eu penderfynu gan y corff cymeradwyo yn unol â meini prawf a nodir yn y Cynllun hwn (erthygl 7).

The approval body named in this Scheme is specified by the National Assembly for Wales under section 12(7) of the Act (article 3). Applications for approval are determined by the approval body in accordance with criteria set out in this Scheme (article 7).

Mae'r Cynllun hwn yn darparu ymhellach:

The Scheme further provides:

- (a) bod y corff cymeradwyo yn gweithredu system ar gyfer penderfynu ceisiadau am gymeradwyaeth (erthygl 8);

- (a) for the approval body to operate a system for the determination of applications for approval (article 8);

(1) Ddeddf Credydau Treth 2002 (p.21).

(2) Rheoliadau Credyd Treth Gwaith (Yr Hawl i'w Gael a'r Gyfradd Uchaf) 2002 (O.S. 2002/2005).

(1) Tax Credits Act 2002. (c.21)

(2) Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005).

- (b) bod y corff cymeradwyo'n darparu gwybodaeth i Gomisiynwyr Cyllid a Thollau Ei Mawrhydi i'w galluogi i gyflawni eu swyddogaethau ynglŷn â chredyd treth gwaith (erthygl 9);
- (c) ar gyfer y cyfnod y bydd cymeradwyaeth yn ddilys (erthygl 10);
- (ch) ar gyfer yr hawl i apelio yn erbyn penderfyniad i wrthod cymeradwyaeth neu i'w thynnu'n ôl (erthygl 11);
- (d) bod ffioedd yn cael eu codi gan y corff cymeradwyo (erthygl 12);
- (dd) ar gyfer y dyddiad cynharaf y gellir rhoi cymeradwyaethau o dan y cynllun (erthygl 13).

Mae'r Cynllun hwn yn gymwys o ran Cymru'n unig.

- (b) for the approval body to provide information to the Commissioners for Her Majesty's Revenue and Customs in order to enable them to discharge their functions relating to working tax credit (article 9);
- (c) for the period of validity of an approval (article 10);
- (d) for the right to appeal against the refusal or withdrawal of approval (article 11);
- (e) for the charging of fees by the approval body (article 12);
- (f) for the earliest date on which approvals under the scheme may be given (article 13).

This Scheme applies only in relation to Wales.

2007 Rhif 226 (Cy.20)

2007 No. 226 (W.20)

CREDYDAU TRETH, CYMRU

TAX CREDITS, WALES

Y Cynllun Credydau Treth
(Cymeradwyo Darparwyr Gofal
Plant) (Cymru) 2007Tax Credits (Approval of Child
Care Providers) (Wales) Scheme
2007*Wedi'i wneud* 30 Ionawr 2007*Made* 30 January 2007*Yn dod i rym* 1 Chwefror 2007*Coming into force* 1 February 2007

Mae Cynulliad Cenedlaethol Cymru, sef yr awdurdod cenedlaethol priodol o dan adran 12(6) o Ddeddf Credydau Treth 2002(1) a thrwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 12(5), (7) ac (8) a 65(3) a (9) o'r Ddeddf honno, ac ar ôl ymgynghori â Chyngor y Tribiwnlysoedd yn unol ag adran 8(1) o Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992(2), yn gwneud y Cynllun canlynol:

The National Assembly for Wales, being the appropriate national authority under section 12(6) of the Tax Credits Act 2002(1) and in exercise of the powers conferred on the National Assembly for Wales by sections 12(5), (7) and (8) and 65(3) and (9) of that Act, and after consultation with the Council of Tribunals in accordance with section 8(1) of the Tribunals and Inquiries Act 1992(2), makes the following Scheme:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Cynllun hwn yw'r Cynllun Credydau Treth (Cymeradwyo Darparwyr Gofal Plant) (Cymru) 2007 a daw i rym ar 1 Chwefror 2007.

(2) Mae'r Cynllun hwn yn gymwys o ran Cymru.

Title, commencement and application

1.-(1) The title of this Scheme is the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 and it will come into force on 1 February 2007.

(2) This Scheme applies in relation to Wales.

Diffiniadau**2. Yn y Cynllun hwn-**

mae i'r term "*cartref plentyn*" yr ystyr a briodolir i'r term "child's home" yn Rheoliadau Credyd Treth Gwaith (Yr Hawl i'w Gael a'r Gyfradd Uchaf) 2002(3);

ystyr "*corff cymeradwyo*" ("*approval body*") yw'r corff y cyfeirir ato yn erthygl 3;

mae i "cyfrifoldeb rhiant" a "maethu plentyn yn breifat" yr ystyron a briodolir i'r ymadroddion "parental responsibility" a "fosters a child privately" gan adrannau 3 a 66 o Ddeddf 1989;

Definitions**2. In this Scheme-**

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989(3);

"approval body" ("*corff cymeradwyo*") means the body referred to in article 3;

"approval criteria" ("*meini prawf cymeradwyo*") has the meaning given to it in article 7;

"child" ("*plentyn*") has the meaning attributed to it by the Child Tax Credit Regulations 2002(4);

(1) Ddeddf Credydau Treth 2002 (p.21).

(2) Ddeddf Tribiwnlysoedd ac Ymchwiliadau 1992 (p.53).

(3) Rheoliadau Credyd Treth Gwaith (Yr Hawl i'w Gael a'r Gyfradd Uchaf) 2002 (O.S. 2002/2005).

(1) Tax Credits Act 2002 (c.21)

(2) Tribunals and Inquiries Act 1992 (c.53)

(3) Children Act 1989 (c.41)

(4) Child Tax Credit Regulations 2002 (S.I. 2002/2007)

ystyr "Deddf 1989" ("*the 1989 Act*") yw Deddf Plant 1989(1);

mae i'r ymadrodd "gofal plant cymwys" ("*qualifying child care*") yr ystyr a briodolir iddo yn erthygl 5;

mae i'r ymadrodd "meini prawf cymeradwyo" ("*approval criteria*") yr ystyr a roddir iddo yn erthygl 7;

ystyr "perthynas" ("*relative*") o ran plentyn yw taid (tad-cu), nain (mam-gu), modryb, ewythr, brawd neu chwaer, (boed o waed coch cyfan, o hanner gwaed, drwy briodas, drwy bartneriaeth sifil neu drwy gyfathrach) neu lys-riant;

mae i'r term "plentyn" yr ystyr a briodolir i'r term "child" yn Rheoliadau Credyd Treth Plant 2002(2);

ystyr "y Rheoliadau Tribiwnlys" ("*the Tribunal Regulations*") yw Rheoliadau Tribiwnlys Amddiffyn Plant ac Oedolion Hyglwyf a Safonau Gofal 2002(3);

mae "rhiant" ("*parent*") yn cynnwys person-

- (a) sydd â chyfrifoldeb rhiant dros blentyn;
- (b) rhiant maeth awdurdod lleol mewn perthynas â phlentyn;
- (ch) rhiant maeth y mae plentyn wedi'i leoli gydag ef gan gorff gwirfoddol; neu
- (c) person sy'n maethu plentyn yn breifat.

ystyr "y Tribiwnlys" ("*the Tribunal*") yw'r tribiwnlys a sefydlwyd gan adran 9 o Ddeddf Amddiffyn Plant 1999(4);

ystyr "tystysgrif cymorth cyntaf berthnasol" ("*relevant first-aid certificate*") yw tystysgrif ar gyfer cwrs hyfforddiant cymorth cyntaf-

- (a) sy'n addas i ofal babanod a phlant;
- (b) sy'n cynnwys hyfforddiant yn y meysydd canlynol: ymdrin ag argyfyngau; dadebru; sioc; tagu; sioc anaffylactig; ac
- (c) y mae'r ceisydd wedi ymgymryd ag ef heb fod yn fwy na thair blynedd cyn y dyddiad y mae'r cais am gymeradwyaeth yn cael ei wneud.

"child's home" has the meaning attributed to it by the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002(1);

"parent" ("*rhiant*") includes a person who-

- (a) has parental responsibility for a child;
- (b) a local authority foster parent in relation to a child;
- (c) a foster parent with whom a child has been placed by a voluntary organisation; or
- (d) a person who fosters a child privately;

"parental responsibility" and "fosters a child privately" have the meanings attributed to those respective expressions by sections 3 and 66 of the 1989 Act;

"qualifying child care" ("*gofal plant cymwys*") has the meaning ascribed to it in article 5;

"relative" ("*perthynas*") in relation to a child means, a grandparent, aunt, uncle, brother or sister (whether by blood, half blood, marriage, civil partnership or affinity) or a step-parent;

"relevant first-aid certificate" ("*tystysgrif cymorth cyntaf berthnasol*") means a certificate in respect of a course of first-aid training-

- (a) which is suitable to the care of babies and children;
- (b) which includes training in the following areas; dealing with emergencies; resuscitation; shock; choking; anaphylactic shock; and
- (c) which has been undertaken by the applicant not more than three years before the date upon which the application for approval is made;

"the Tribunal" ("*y Tribiwnlys*") means the tribunal established by section 9 of the Protection of Children Act 1999(2);

"the Tribunal Regulations" ("*y Rheoliadau Tribiwnlys*") means the Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002(3).

(1) Deddf Plant 1989 (p.41).

(2) Rheoliadau Credyd Treth Plant 2002 (O.S. 2002/2007)

(3) Rheoliadau Amddiffyn Plant ac Oedolion Hyglwyf a'r Tribiwnlys Safonau Gofal 2002 (OS 2002/816).

(4) Deddf Amddiffyn Plant 1999 (p.14)

(1) Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002 (S.I. 2002/2005)

(2) Protection of Children Act 1999 (c.14)

(3) Protection of Children and Vulnerable Adults and Care Standards Tribunal Regulations 2002 (SI 2002/816)

Corff penodedig

3. Nestor Primecare Services Limited sy'n masnachu fel Nestor Criminal Records Agency(1) yw'r corff a bennwyd at ddibenion rhoi cymeradwyaethau o dan y Cynllun hwn.

Gofynion y Cynllun

4. At ddibenion rheoliadau sy'n cael eu gwneud o dan adran 12 o Ddeddf Credydau Treth 2002, dim ond-

- (a) os yw wedi'i gymeradwyo am y tro gan y corff cymeradwyo; a
- (b) ar gyfer gofal plant cymwys a ddarperir ganddo

y mae person yn ddarparydd gofal plant a gymeradwyir yn unol â'r Cynllun hwn.

Gofal Plant Cymwys

5.-(1) Yn ddarostyngedig i baragraff (2), ystyr gofal plant cymwys yw gofal a ddarperir ar gyfer plentyn gan unigolyn am wobwr yn llwyr neu'n bennaf yng nghartref y plentyn.

(2) Pan fo'r gofal y cyfeirir ato ym mharagraff (1) yn cael ei ddarparu ar gyfer nifer o blant o wahanol gartrefi ar yr un pryd, mae hwnnw'n ofal plant cymwys os caiff ei ddarparu yn llwyr neu'n bennaf yng nghartref un neu ragor o'r plant y darperir y gofal iddynt.

(3) Nid yw gofal plant cymwys yn cynnwys-

- (a) gwarchod plant sy'n ddarostyngedig i gofrestru yn unol â Rhan 10A o Ddeddf 1989;
- (b) gofal a ddarperir am wobwr gan unrhyw berson ar gyfer plentyn wyth mlwydd oed neu'n hyn heblaw ei fod yn unol â pharagraff (1) neu (2).
- (c) gofal plant sy'n cael ei ddarparu'n gyfan gwbl neu'n bennaf yng nghartref y plentyn ar gyfer plentyn y mae'r darparydd yn rhiant iddo neu'n berthynas iddo; neu
- (ch) gofal plant sy'n cael ei ddarparu'n gyfan gwbl neu'n bennaf yng nghartref perthynas i'r plentyn lle mae'r gofal hwnnw fel arfer yn cael ei ddarparu'n unig ar gyfer un neu fwy o blant y mae'r darparydd yn rhiant neu'n berthynas iddo neu iddynt.

Person a gymeradwywyd

6.-(1) Yn ddarostyngedig i erthygl 13, rhaid rhoi cymeradwyaeth i berson fel darparydd gofal plant o dan y Cynllun hwn os yw'r corff cymeradwyo wedi'i fodloni bod y meini prawf cymeradwyo wedi'u bodloni mewn perthynas â'r person hwnnw.

Specified body

3. The body specified for the purpose of giving approvals under this Scheme is Nestor Primecare Services Limited, trading as Nestor Criminal Records Agency(1).

Requirements of the Scheme

4. For the purposes of regulations made under section 12 of the Tax Credits Act 2002, a person is a child care provider approved in accordance with this Scheme only-

- (a) if he or she is for the time being approved by the approval body; and
- (b) in respect of the provision by him or her of qualifying child care.

Qualifying Child Care

5.-(1) Subject to paragraph (2), qualifying child care means care provided for a child by an individual for reward wholly or mainly in the child's home.

(2) Where the care referred to in paragraph (1) is provided for a number of children from different homes at the same time, it is qualifying child care if it is provided wholly or mainly in the home of one or more of the children for whom the care is provided.

(3) Qualifying child care does not include-

- (a) childminding which is subject to registration pursuant to Part 10A of the 1989 Act;
- (b) care provided for reward by any person for a child aged eight years or more other than in accordance with paragraph (1) or (2);
- (c) child care provided wholly or mainly in the child's home in respect of a child to whom the provider is a parent or relative ; or
- (d) child care provided wholly or mainly in the home of a relative of the child where such care is usually provided solely in respect of one or more children to whom the provider is a parent or relative.

Approved person

6.-(1) Subject to article 13, a person must be given approval as a child care provider under this Scheme if the approval body is satisfied that the approval criteria are met in relation to that person.

(1) A gofrestrwyd yn Lloegr Rhif 1963820.

(1) Registered in England No.1963820.

(2) Mae person y mae cymeradwyaeth wedi'i rhoi iddo o dan baragraff (1) yn peidio â bod yn berson sydd wedi'i gymeradwyo felly os yw'r gymeradwyaeth honno wedi'i thynnu'n ôl gan y corff cymeradwyo.

(3) Caiff y corff cymeradwyo dynnu cymeradwyaeth yn ôl os yw wedi'i fodloni nad yw'r meini prawf cymeradwyo yn cael eu bodloni mwyach o ran y person hwnnw.

Meini prawf cymeradwyo

7. O ran cais am gymeradwyaeth fel darparrydd gofal plant, y meini prawf cymeradwyo yw-

- (a) bod y ceisydd yn 18 mlwydd oed neu drosodd;
- (b) bod y ceisydd wedi cael un o'r cymwysterau a bennir o dro i dro mewn rhestr a gedwir gan Gynulliad Cenedlaethol Cymru at ddibenion yr erthygl hon;
- (c) bod y ceisydd wedi sicrhau tystysgrif cymorth cyntaf berthnasol; ac
- (ch) nad yw'r ceisydd yn cael ei ystyried yn anaddas i weithio gyda phlant neu nad yw'n cael ei ystyried yn anaddas i gael mynd atynt heb oruchwyliaeth.

System gymeradwyo

8.-(1) Rhaid i'r corff cymeradwyo weithredu system ar gyfer penderfynu ceisiadau am gymeradwyaeth a gyflwynir iddo o dan y cynllun hwn a rhaid iddo wneud trefniadau digonol i roi cyhoeddusrwydd i fanylion y system honno.

(2) Yn benodol, a heb leihau effaith paragraff (1) yn gyffredinol, rhaid i'r system gymeradwyo y cyfeiriwyd ati yn y paragraff hwnnw:

- (a) darparu ar gyfer gweithdrefn y caniateir i geisydd wneud cais drwyddi am gymeradwyaeth;
- (b) nodi gofynion sy'n ymwneud â cheisydd yn darparu tystiolaeth ddogfennol neu dystiolaeth arall sy'n angenrheidiol i ddangos bod y meini prawf cymeradwyo wedi'u bodloni;
- (c) darparu ar gyfer gweithdrefn y caniateir i gymeradwyaethau gael eu tynnu'n ôl drwyddi;
- (ch) darparu bod y ceisydd yn cael hysbysiad ysgrifenedig o benderfyniad i roi neu wrthod cymeradwyaeth neu ei thynnu'n ôl;
- (d) darparu ar gyfer gweithdrefn y gellir canfod drwyddi a yw unigolyn wedi'i gymeradwyo am y tro o dan y cynllun; ac
- (dd) darparu ar gyfer cadw cofnodion priodol sy'n ymwneud â cheisiadau am gymeradwyaethau ac yn ymwneud â rhoi neu wrthod cymeradwyaethau o'r fath neu eu tynnu'n ôl.

(3) Rhaid i'r corff cymeradwyo gadw cofnod o'r personau hynny y mae cymeradwyaeth wedi'i rhoi

(2) A person who has been given approval under paragraph (1) ceases to be so approved if that approval is withdrawn by the approval body.

(3) The approval body may withdraw an approval if satisfied that the approval criteria are no longer met in relation to that person.

Approval criteria

7. In relation to an application for approval as a child care provider the approval criteria are-

- (a) that the applicant is 18 years of age or over;
- (b) that the applicant has obtained one of the qualifications specified from time to time in a list maintained by the National Assembly for Wales for the purpose of this article;
- (c) that the applicant has obtained a relevant first-aid certificate; and
- (d) that the applicant is not considered unsuitable to work with or have unsupervised access to children.

Approval system

8.-(1) The approval body must operate a system for the determination of applications for approval made to it under this scheme and must make adequate arrangements to publicise the details of that system.

(2) Without prejudice to the generality of paragraph (1), the approval system referred to in that paragraph must in particular-

- (a) provide for a procedure by which an applicant may apply for approval;
- (b) set out requirements relating to the provision by an applicant of documentary or other evidence necessary to demonstrate that the approval criteria are met;
- (c) provide for a procedure whereby approvals may be withdrawn;
- (d) provide for the applicant to be given notice in writing in respect of a determination to grant, refuse or withdraw an approval;
- (e) provide for a procedure whereby it may be ascertained whether an individual is for the time being approved under the scheme; and
- (f) provide for the keeping of appropriate records relating to applications for approvals and to the grant, refusal or withdrawal of such approvals.

(3) The approval body must maintain a record of those persons to whom an approval is granted for the

iddynt am y tro o dan y Cynllun hwn.

(4) Caniateir i'r cofnodion y cyfeiriwyd atynt ym mharagraffau (2) a (3) gael eu cadw drwy gyfrwng cyfrifiadur.

Yr wybodaeth sydd i'w darparu gan y corff cymeradwyo

9. Rhaid i'r corff cymeradwyo ddarparu i Gomisiynwyr Cyllid a Thollau Ei Mawrhydi unrhyw wybodaeth y mae arnynt ei hangen i gyflawni unrhyw un o'u swyddogaethau ynglŷn â chredyd treth gwaith a honno'n wybodaeth ynglŷn â chymeradwyo neu wrthod cymeradwyo personau o dan y Cynllun hwn neu dynnu cymeradwyaeth y personau hynny yn ôl.

Y cyfnod cymeradwyo

10.-(1) Rhaid i gymeradwyaeth a roddir o dan y Cynllun hwn ddatgan cyfnod ei dilysrwydd a rhaid i'r cyfnod hwnnw beidio â bod yn hwy na 12 mis.

(2) Nid oes dim yn yr erthygl hon yn rhagfarnu cymhwysiad erthygl 6(2).

Apelau

11.-(1) Pan fo'r corff cymeradwyo yn gwrthod cais am roi cymeradwyaeth neu'n tynnu'n ôl gymeradwyaeth a roddwyd o'r blaen, caniateir apêl i'r Tribiwnlys yn erbyn y penderfyniad hwnnw.

(2) Bydd darpariaethau'r Rheoliadau Tribiwnlys yn gymwys i apêl o dan baragraff (1) yn yr un modd ag y maent yn gymwys i apêl o dan adran 79M o Ddeddf 1989 ac fel petai'r darpariaethau hynny wedi'u nodi yn y Cynllun hwn, ond gyda'r addasiadau y cyfeirir atynt ym mharagraff (3).

(3) Bydd Atodlen 2 i'r Rheoliadau Tribiwnlys yn gymwys fel petai-

- (a) unrhyw gyfeiriad at apêl o dan Ddeddf 1989 yn gyfeiriad at apêl o dan erthygl 11(1) o'r Cynllun hwn;
- (b) unrhyw gyfeiriad at unrhyw gofrestrriad yn gyfeiriad at gymeradwyaeth a roddwyd o dan y Cynllun hwn;
- (c) unrhyw gyfeiriad at ddileu cofrestrriad yn gyfeiriad at dynnu cymeradwyaeth yn ôl o dan y Cynllun hwn;
- (ch) unrhyw gyfeiriad at y corff cofrestru neu'r ymatebydd yn gyfeiriad at y corff cymeradwyo;
- (d) paragraff 3(3)(c) o'r Atodlen honno wedi'i addasu yn y modd a bennir ym mharagraff (4) o'r erthygl hon ac fel petai unrhyw gyfeiriad at y paragraff 3 a enwyd yn gyfeiriad at y paragraff hwnnw fel y'i haddaswyd yn y modd hwnnw.

time being under this Scheme.

(4) The records referred to in sub-paragraphs (2) and (3) may be kept by means of a computer.

Provision of information by approval body

9. The approval body must supply to the Commissioners for Her Majesty's Revenue and Customs such information as they may require for the discharge of any of their functions relating to working tax credit and which is information relating to the approval, or the refusal or withdrawal of approval, of persons under this Scheme.

Period of approval

10.-(1) An approval given under this Scheme must state the period of its validity which must not exceed a period of 12 months.

(2) Nothing in this article prejudices the application of article 6(2).

Appeals

11.-(1) Where the approval body refuses an application for the grant of an approval or withdraws an approval previously granted, an appeal can be made to the Tribunal against that decision.

(2) The provisions of the Tribunal Regulations apply to an appeal under paragraph (1) as they apply to an appeal under section 79M of the 1989 Act and as if those provisions were set out in this Scheme, but with the modifications referred to in paragraph (3).

(3) Schedule 2 to the Tribunal Regulations applies as if-

- (a) any reference to an appeal under the 1989 Act were a reference to an appeal under article 11(1) of this Scheme;
- (b) any reference to any registration were a reference to an approval given under this Scheme;
- (c) any reference to the cancellation of registration were a reference to the withdrawal of an approval under this Scheme;
- (d) any reference to the registration body or the respondent were a reference to the approval body; and
- (e) paragraph 3(3)(c) of that Schedule were modified as specified in paragraph (4) of this article and any reference to the said paragraph 3 were a reference to that paragraph as so modified.

- (4) Bydd y paragraff 3(3)(c) a enwyd yn gymwys-
- (a) fel petai'r penderfyniad y cyfeirir ato yn is-baragraff (ii) o'r paragraff hwnnw yn gyfeiriad at y penderfyniad i wrthod rhoi cymeradwyaeth neu i dynnu cymeradwyaeth yn ôl o dan y Cynllun hwn; a
 - (b) fel pe na bai is-baragraff (iii) o'r paragraff hwnnw'n gymwys.
- (5) Pan fo apêl, caiff y Tribiwnlys-
- (a) cadarnhau'r penderfyniad i wrthod rhoi'r gymeradwyaeth neu'r penderfyniad i dynnu'r gymeradwyaeth yn ôl;
 - (b) cyfarwyddo na fydd y penderfyniad hwnnw i wrthod neu i dynnu'n ôl yn effeithiol, neu y bydd yn peidio â bod yn effeithiol; neu
 - (c) cyfarwyddo'r corff cymeradwyo i ailystyried unrhyw benderfyniad sy'n destun yr apêl.

- (4) The said paragraph 3(3)(c) applies as if-
- (a) the decision referred to in sub-paragraph (ii) of that paragraph were to the decision to refuse to grant or to withdraw an approval under this Scheme; and
 - (b) sub-paragraph (iii) of that paragraph did not apply.
- (5) On an appeal, the Tribunal may-
- (a) confirm the refusal to grant the approval or the withdrawal of the approval;
 - (b) direct that the said refusal or withdrawal does not have, or ceases to have, effect; or
 - (c) direct the approval body to reconsider any decision which is the subject of the appeal.

Ffioedd

12. Caiff y corff cymeradwyo godi ar unrhyw berson sy'n ceisio cael cymeradwyaeth o dan y Cynllun hwn unrhyw ffi resymol y bydd y corff cymeradwyo'n penderfynu arni, a hynny'n ddarostyngedig i gymeradwyaeth Cynulliad Cenedlaethol Cymru.

Darpariaethau trosiannol

13. Pan fo cais am gymeradwyaeth o dan y Cynllun hwn yn cael ei wneud cyn 6 Ebrill 2007, ni chaniateir rhoi cymeradwyaeth yn gynt na 6 Ebrill 2007.

Llofnodwyd ar ran y Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(1).

30 Ionawr 2007

Llywydd y Cynulliad Cenedlaethol

Fees

12. The approval body may charge any person seeking approval under this Scheme such reasonable fee as it shall, subject to the approval of the National Assembly for Wales, determine.

Transitional provisions

13. Where an application for approval under this Scheme is made before 6 April 2007, no approval may be granted earlier than 6 April 2007.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(1).

30 January 2007

The Presiding Officer of the National Assembly

D. Elis-Thomas

OFFERYNNAU STATUDOL

2007 Rhif 226 (Cy.20)

CREDYDAU TRETH, CYMRU

Y Cynllun Credydau Treth
(Cymeradwyo Darparwyr Gofal
Plant) (Cymru) 2007

STATUTORY INSTRUMENTS

2007 No. 226 (W.20)

TAX CREDITS, WALES

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

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