

Government Response - The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025

Technical Scrutiny point 1: The Welsh Government does not consider that a reference to section 66(1)(b) of the Children Act 2004 is necessary as section 66(1)(b) makes it clear that the power to make different provisions for different areas is already included in section 29. However, to assist the reader, subject to approval of the Regulations, the Government will amend the preamble to include reference to section 66(1)(b) of the Children Act 2004 prior to making.

Technical Scrutiny point 2: The Welsh Government accepts that there is a typographical error in the draft headnote. It also notes that the correct powers are cited in the instrument’s preamble. Subject to approval of the Regulations, the draft headnote will be removed from the Regulations, and the Welsh Government will also remove details about “paragraph 34 of Schedule 11 to the Government of Wales Act 2006” from the pre-ample, and footnote these instead, prior to making.

Technical Scrutiny point 3: The Welsh Government considers that, in the specific context of regulation 4 it is clear that in the Welsh text, “preswylio fel arfer” has the meaning attributed to it by Local Health Boards (Directed Functions) (Wales) Regulations 2009 whereas in the other regulations it has its ordinary meaning. Appropriate consideration will be given to the use of the term in future legislation.

Merits Scrutiny point 6: The Welsh Government notes that section 29 of the Children Act 2004 was brought into force on 10 March 2025 by The Children Act 2004 (Commencement No. 10) (Wales) Order 2025 (S.I. 2025/304 (W.60)), which was made on 7 March 2025, and have withdrawn, amended and re-laid the Explanatory Memorandum to reflect this.

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<i>Rheoliadau Deddf Plant 2004 (Cronfa Ddata Plant sy’n Colli Addysg) (Peilota) (Cymru) 2025</i>	<i>The Children Act 2004 (Children Missing Education Database) (Pilot) (Wales) Regulations 2025</i>
<p><i>In the preamble to the Regulations-</i></p> <p>(i) after “29(1)(a)”, for “a (5)” substitute “, (5) a 66(1)(b)”,</p>	<p><i>In the preamble to the Regulations-</i></p> <p>(i) after “29(1)(a)”, for “and (5)” substitute “, (5) and 66(1)(b)”,</p>

<p><i>(ii) omit “a pharagraff 34 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006”</i></p> <p><i>(the reference to paragraph 34 of Schedule 11 to the Government of Wales Act 2006 will be footnoted)</i></p>	<p><i>(ii) omit “and paragraph 34 of Schedule 11 to the Government of Wales Act 2006”</i></p> <p><i>(the reference to paragraph 34 of Schedule 11 to the Government of Wales Act 2006 will be footnoted)</i></p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	