

SL(6)715 – The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026

Background and Purpose

The Regulation and Inspection of Social Care (Wales) Act 2016 (the “**2016 Act**”) provides the statutory framework for the regulation and inspection of social care services, and the regulation of the social care workforce in Wales.

The Regulated Services (Registration) (Wales) Regulations 2017 (the “**principal Regulations**”) make provision about the form and content of applications for registration and applications for variation of registration under the 2016 Act.

The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026 (the “**2026 Regulations**”) amend the principal Regulations to give effect to changes introduced by section 6A(1) of the 2016 Act, which restricts the provision of certain children’s services to local authorities and not-for-profit entities. These services, referred to in these Regulations as “**restricted children’s services**”, include children’s home services, secure accommodation services and fostering services.

The intended effect of the amendments made by the 2026 Regulations is to ensure that applications to register, or to vary registration in respect of restricted children’s services, include sufficient information to demonstrate compliance with the statutory requirement that such services are provided by not-for-profit entities.

Procedure

Senedd annulment procedure

These Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following three points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vi) - that its drafting appears to be defective or it fails to fulfil statutory requirements

Regulation 3 states that the principal Regulations are amended in accordance with regulations 4-**10** of the 2026 Regulations. The English text only contains **9** regulations. The Welsh text contains 10 regulations.



As a result, there are inconsistencies between the English and Welsh text.

However, more fundamentally, the effect of omitting regulation 10 in the English text is that new paragraph 7A of Schedule 1 to the principal Regulations is not inserted. As a result, other provisions reliant on new paragraph 7A of Schedule 1 (such as new regulations 3B and 11A of the principal Regulations) are defective.

In turn, the Explanatory Note is incorrect as it states that regulations 8 and 9 insert new regulations 14 and 15 into the principal Regulations, and that regulation 10 amends Schedule 1. In fact, as drafted, regulation 8 alone inserts both regulations 14 and 15, regulation 9 amends Schedule 1 and regulation 10 is erroneously omitted.

2. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Regulation 6 inserts new regulation 11A into the principal Regulations. It states:

11A. An application for variation of registration made pursuant to section 6C and paragraph 4 of Schedule 1A must contain the information listed in paragraphs 7 and 7A of Schedule 1.

This is confusing for the reader as both of these Schedules are in separate legislation. Schedule 1A refers to Schedule 1A to the 2016 Act, and Schedule 1 refers to Schedule 1 to the principal Regulations. It would be much clearer if words such as 'to the Act' or 'to these Regulations' were added. We note that this would be in-keeping with the approach in regulation 4(a)(iv).

3. Standing Order 21.2(v) - that for any particular reason its form or meaning needs further explanation

Regulation 8 inserts new regulation 14 into the principal Regulations. This sets out the information a service provider must provide in an application to cancel their registration. We would be grateful for clarification of two points in relation to new regulation 14.

Under new regulation 14(a), the service provider must include the proposed date on which the cancellation should take effect.

The substantive provision governing the cancellation of registration as a service provider is section 14 of the 2016 Act. It provides for the Welsh Ministers to give a notice of the granting of an application for cancellation to the service provider, and provides that such cancellation takes effect on the day falling 3 months after receiving the notice, or an earlier date specified in the notice.

The Welsh Government is asked to explain how new regulation 14(a) of the principal Regulations will work in conjunction with section 14(3) of the 2016 Act. In particular, under what circumstances will section 14(3)(a) of the 2016 Act be applicable in practice?

Secondly, new regulation 14(d) states that a cancellation application must contain "*detail of any notice given about the intention to cease providing the service*". Our understanding is that



this is intended to encompass any notice provided by a service provider about their intention to cease providing services. If this is correct, we consider it would be clearer to state “[...] *detail of any notice given by the service provider about its intention to cease providing the service* [...]”.

Merits Scrutiny

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

4. 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

Regulation 5 inserts new regulation 3B into the principal Regulations. This provides that the Welsh Ministers may waive certain information requirements where an applicant takes over the provision of restricted children’s services in certain circumstances. One of the criteria for the waiver is that the Welsh Ministers consider that it’s appropriate “*having regard to information which the Welsh ministers hold about the existing provider*” (underline added).

In such circumstances, what assessment is made of the suitability and competence of the applicant to take over provision of the services from a service provider?

Welsh Government response

A Welsh Government response is required in respect of all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee