

Government Response: *The Regulated Services (Registration) (Wales) (Amendment) Regulations 2026*

Technical Scrutiny point 1: The Welsh Government is grateful to the Committee for pointing out this error. The Welsh Government is currently in the process of moving to the use of the Lawmaker system for producing subordinate legislation and this SI was transferred to the Lawmaker system from the previous software (the SI template). Unfortunately, during this process, the text of regulation 10 was omitted from the English version. To correct this error, the Welsh Government will shortly make a new set of Regulations, the Regulated Services (Registration) (Wales) (Amendment) (No.2) Regulations 2026 which will revoke and replace these Regulations..

Technical Scrutiny point 2: As the Welsh Government will be making a new set of Regulations the amendments to address this reporting point will be incorporated into the drafting of those Regulations.

Technical Scrutiny point 3: Section 14(3)(a) will operate in practice to prevent the regulator issuing a notice which specifies a cancellation date more than 3 months after the issuing of the notice. On receipt of an application for cancellation the regulator will be able to interrogate the accompanying information to understand what the consequences of ending the registration will be for service users. There may be questions the regulator can ask to prompt a provider or other persons e.g. commissioning bodies which will help mitigate any unwanted consequences. Moreover, regulation 14(a) allows the provider to set out in the application their preferred date for cancellation, the regulator can then take this information into account when deciding to set the date under section 14(3)(b) of the Act.

In our view the context makes it sufficiently clear that the notice in question is a notice given by the service provider. The provision is in a list of information to be given by the service provider and is focussed on information which will be in the possession of the service provider. The use of the definite article referring to “the intention” is appropriate because there is already reference, in the same regulation, to the application for cancellation which is made to the regulator and the application is very strongly related to the intention. We agree that the change which the Committee proposes would make this even clearer but in our opinion the drafting is not so unclear as to lead to ambiguity or difficulties in interpretation or application. As a new set of Regulations is to be made we will make the change that the Committee proposes in the drafting of those Regulations.

Merit Scrutiny point 4: The applications to which new regulation 3B applies are applications to register to provide a restricted children’s service and therefore all the usual requirements will apply, for example the fitness test. There may be situations where an application for registration is made by a not-for-profit body whose directors

and officers are the same individuals who currently hold those roles in the for-profit organisation providing the service. In such cases, the premises, policies and operating procedures may also be unchanged.

The waiver provision allows the regulator to use its discretion not to require all the usual application information where it already holds relevant and reliable information about the existing provider (for example, the floor plans of their premises) – whether from a previous application or from inspection activity – and where it is clear that the applicant will in practice be continuing to deliver the same service under a new not-for-profit structure. In these circumstances, the information the regulator already holds may be sufficient to provide assurance about the suitability and competence of the applicant in these areas to enable it to appropriately waive particular requirements.