

SL(6)737 – The Adoption Support Services (Adoption Support Agencies) (Wales) Regulations 2026

Background and Purpose

These Regulations are made by the Welsh Ministers under powers conferred by sections 2(6)(b), 140(7), and 142(4) and (5)(a) of the Adoption and Children Act 2002 (“the 2002 Act”). They revoke and replace the Adoption Support Services (Wales) Regulations 2019 (“the 2019 Regulations”).

Section 8(1) of the 2002 Act defines an “adoption support agency” as an undertaking the purpose of which, or one of the purposes of which, is the provision of adoption support services.

Adoption support services are defined by section 2(6) of the 2002 Act as counselling, advice and information, and any other services prescribed by regulations, in relation to adoption.

Regulation 3 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 prescribes particular services as adoption support services for the purposes of section 2(6)(b) of the 2002 Act.

Regulation 3(4) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 provides that an intermediary service is an adoption support service for the purposes of section 2(6) of the 2002 Act.

Regulation 3 of these Regulations prescribe adoption support services in addition to those already prescribed for the purposes of section 2(6) of the 2002 Act.

Regulation 4 revokes the 2019 Regulations.

Regulation 5 introduces consequential amendments.

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 3 points are identified for reporting under Standing Order 21.2 in respect of this instrument.

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

Paragraph 4.5 of the Explanatory Memorandum sets out the following:

There is also some overlap and inconsistency between the prescribed adoption support services in the 2005 Regulations and the Adoption Support Services (Wales) Regulations 2019, which can create challenges for providers and commissioners in determining the extent of the applicability of these two sets of regulations to local authority adoption services and services regulated under the 2016 Act.

The “2005 Regulations” is defined in the Explanatory Memorandum as the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 and the “2016 Act” is defined as the Regulation and Inspection of Social Care (Wales) Act 2016.

These Regulations prescribe adoption support services for the purposes of section 8(1) of the 2002 Act in addition to the services prescribed for the purposes of section 2(6) of the 2002 Act. The 2019 Regulations, which are revoked by these Regulations, prescribed adoption support services for the purposes of section 2(6) of the 2002 Act generally, i.e. not only relevant to “adoption support agencies” regulated under the Regulation and Inspection of Social Care (Wales) Act 2016.

Regulation 3(1)(f) of these Regulations prescribes the following as “adoption support services”:

(f) assistance to relatives of adopted persons who have attained the age of 18 in obtaining information in respect of that adoption or facilitating contact between such persons and the adopted person;

Whilst regulation 3(4) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 provides that an intermediary service is an adoption support service for the purposes of section 2(6) of the 2002 Act. The definition of “intermediary service” in those Regulations does not appear to include providing assistance to relatives of adopted persons in obtaining information in the manner set out in regulation 3(1)(f) of these Regulations.

Can the Welsh Government confirm if such a service is a “specified adoption service” in relation to local authority adoption services in Wales, following the revocation of the 2019 Regulations?



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

In regulation 2, in the definition of “adoptive parent” the following wording appears at the end of paragraph (e):

but does not include a person who is a step-parent or birth parent of the child or was the step-parent of the child before they adopted the child;

In the definition of “adoptive parent” in the 2019 Regulations, which are revoked by these Regulations this wording is not indented and does not appear to be part of paragraph (e), and is therefore relevant to the interpretation of paragraphs (a) to (e).

Whilst this may be a formatting error, in which this wording is inadvertently indented, the effect is that it could lead to an unintended interpretation of the defined term. Westlaw have included this wording in paragraph (e) and it appears as follows:

(e) who has adopted a child who has subsequently attained the age of 18, but does not include a person who is a step-parent or birth parent of the child or was the step-parent of the child before they adopted the child;

We ask the Welsh Government to confirm if this wording is part of paragraph (e) or not.

We also query the location of “but does not include an agency adoptive child” in the definition of “non-agency adoptive child”. In the 2019 Regulations it appears to apply to both paragraphs (a) and (b), however the formatting in these Regulations means the wording appears to be included in paragraph (b).

3. Standing Order 21.2 (vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 2, “birth parent” is defined as follows:

“birth parent” (“rhiant geni”) has the same meaning as natural parent in the context of the 2002 Act;

The Welsh text states that it has the same meaning as “rhiant naturiol” in the context of the 2002 Act, however, “rhiant naturiol” is not used in the 2002 Act, as it is in English only.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Welsh Government response

A Welsh Government response is required to all reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

4 February 2026



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

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Welsh Parliament

Legislation, Justice and Constitution Committee