

## Government Response: The Adoption Support Services (Adoption Support Agencies) (Wales) Regulations 2026

**Technical Scrutiny point 1:** The Welsh Government is uncertain what is meant by the term “specified adoption service”. Although regulation 3 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005 (“the 2005 Regulations”) does not include relatives of an adopted person within the definition of “intermediary service” for the purposes of section 2(6) of the Adoption and Children Act 2002 (“the 2002 Act”), the 2005 Regulations provide, at regulation 5(1)(b), that an intermediary agency may accept an application for assistance from such relatives. An intermediary agency is a registered adoption support agency or an adoption agency that provides an intermediary service. A local authority adoption agency has discretion to provide such services by exercising its powers to offer counselling, advice and information.

**Technical Scrutiny point 2:** The Welsh Government accepts the reporting point. In both the definitions of “adoptive parent” and “non-agency adoptive child”, formatting errors appear to have occurred, resulting in the inadvertent indentation of text. Consequently, in the definition of “adoptive parent”, Westlaw has included wording in paragraph (e) that is not intended to form part of that provision. It is noted, however, that The National Archives has not adopted the same interpretation, and the corresponding text does not appear in paragraph (e) in their version.

To mitigate the risk of misinterpretation, the Welsh Government proposes to write to Westlaw requesting that the unintended wording be removed from paragraph (e) of the definition of “adoptive parent”. The Government is also seeking to determine with the SI Registrar whether the indentation can be corrected where relevant in both definitions of “adoptive child” and “non-agency adoptive child” (and their Welsh equivalents) by correction slip or corrective reprint.

**Technical Scrutiny point 3:** The Welsh text states: “*mae i “rhiant geni” (“birth parent”) yr un ystyr â rhiant naturiol yng nghyd-destun Deddf 2002,*”.

The words *rhiant naturiol* are not included in inverted commas. The Welsh provision is not purporting to match a defined English label, as “natural parent” is not a defined term in that Act. Rather, the phrase “*yng nghyd-destun Deddf 2002*” (“in the context of the 2002 Act”) is being used to anchor the meaning of *rhiant geni* to how the concept *rhiant naturiol* is understood in the 2002 Act, not to align it with any particular English defined term.

This approach accords with point 3 under *Diffinio termau drwy gyfeirio at ddeddfwriaeth y DU neu gyfraith yr UE* in the *Canllawiau Arddull Cyfieithu Deddfwriaethol 2025*, which permits defining Welsh terms by reference to the meaning

they carry within other legislation, even where there is no directly equivalent defined English term.

In the Welsh Government's view, in such a case, it is more appropriate for the Welsh text to use a Welsh expression notwithstanding that it is clarifying its sense by reference to the English only Act.