

**Government Response: *The Care and Support (Charging) and (Financial Assessment) (Wales) (Miscellaneous Amendments) Regulations 2026***

Technical Scrutiny point 1: The Welsh Government acknowledges that the enabling powers listed in previous amending instruments did not reference the specific subsections; however, the view was taken that making reference to the specific subsections would better assist the reader.

Technical Scrutiny point 2: The Welsh Government acknowledges that the omission of the reference to section 64(2)(a) is an inaccuracy. However, it does not, in our view, affect the validity of the provision which relates to treatment of income in a financial assessment.

The power in section 64(1) is cited as an enabling power in addition to section 64(2)(b). Section 64(1) is an overarching duty to “make provision for and in connection with carrying out financial assessments”. Section 64(2) sets out more particular elements which must be included in regulations made under the overarching duty. Despite the admitted defect in the draft, because section 64(1) is cited, we do not consider that the effect of the omission is to call into question the vires for the provision in regulation 3(a).

Additionally, given that the effect of regulation 3(a) is clearly to make provision regarding the calculation of income in relation to financial assessments, the statutory intention is obvious.