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W E L S H S T A T U T O R Y  
I N S T R U M E N T S

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**2025 No. 1257 (W. 202) (C. 63)**

**HEALTH AND SOCIAL CARE,  
WALES**

**The Health and Social Care (Wales)  
Act 2025 (Commencement No. 1  
and Transitional and Saving  
Provisions) Order 2025**

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This is the first Commencement Order made by the Welsh Ministers under the Health and Social Care (Wales) Act 2025 (asc 1) (“the Act”).

Article 2(1) brings into force, on 1 January 2026, the provisions specified in that article.

Article 2(2) brings into force, on 1 April 2026, the provisions specified in that article.

Article 2(3) brings into force, on 1 July 2026, the provisions specified in that article.

Article 3(1) brings into force, on 1 January 2026, the provisions specified in that article.

Article 3(2) brings into force, on 1 April 2026, the provisions specified in that article.

Article 4 brings into force, on the 1 January 2026, the provisions specified in that article.

Article 5 makes transitional and saving provisions where a person other than a local authority applies for registration as a service provider or for a variation of their registration to add a “restricted children’s service” (a care home service provided wholly or mainly to children, a fostering service or a secure accommodation service); or to add a place at which a restricted children’s service is provided to their existing registration.

Where such an application is made on or before 31 March 2026 and has not been determined before section 6A of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) (“the 2016 Act”)

comes into force on 1 April 2026, the application is to be treated as if the requirement in section 6A(1) was not yet in force. Accordingly, where an application is granted, the provisions in Schedule 1A to the 2016 Act, including the transitional provisions in paragraph 2 of Schedule 1A, apply to the service provider in respect of the service or a place that is the subject of the application.

Section 29(1) of the Act brought the following provisions of the Act into force on 25 March 2025, which was the day after the day on which the Act received Royal Assent—

- (a) in Part 1—
  - (i) sections 1, 16, 21 and 22 (in so far as it relates to paragraph 3(b) of Schedule 1);
  - (ii) paragraphs 2(1) and (6), 3(b), 5(1) and (4), 7(1), (3), (4), (14) and (15) of Schedule 1;
- (b) in Part 2, sections 23 and 26;
- (c) Part 3.

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**The Health and Social Care (Wales)  
Act 2025 (Commencement No. 1  
and Transitional and Saving  
Provisions) Order 2025**

*Made*

*28 November 2025*

The Welsh Ministers, in exercise of the powers conferred on them by section 29(2) and (3) of the Health and Social Care (Wales) Act 2025(1), make the following Order.

**Title and interpretation**

**1.**—(1) The title of this Order is the Health and Social Care (Wales) Act 2025 (Commencement No. 1 and Transitional and Saving Provisions) Order 2025.

(2) In this Order—

“the 2006 Act” (“*Deddf 2006*”) means the National Health Service (Wales) Act 2006(2);

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014(3);

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016(4);

“the Act” (“*y Ddeddf*”) means the Health and Social Care (Wales) Act 2025.

**Provisions relating to the provision of social care services to children: restrictions on profit**

**2.**—(1) The following provisions of the Act come into force on 1 January 2026—

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(1) 2025 asc 1.

(2) 2006 c. 42.

(3) 2014 anaw 4.

(4) 2016 anaw 2.

- (a) section 3(1) and (2) (applications for registration in respect of restricted children's services),
- (b) section 4 (registration in respect of a restricted children's service: transitional arrangements)—
  - (i) subsection (1);
  - (ii) subsections (2) and (3), but only in so far as they insert paragraph 4(4) of Schedule 1A into the 2016 Act,
- (c) section 7 (providers of restricted children's services: information contained in annual return),
- (d) section 8(1) and (2) (variation or cancellation of registration as a provider of a restricted children's service), and
- (e) section 11 (duty to prepare and publish an annual sufficiency plan) in so far as it inserts subsection (3)(f) of section 75A into the 2014 Act.

(2) The following provisions of the 2025 Act come into force on 1 April 2026—

- (a) sections 2 to 10 in so far as they are not already in force, and
- (b) section 12 (duty to secure accommodation: reporting), in so far as it inserts section 75D(a) into the 2014 Act.

(3) The following provision of the 2025 Act comes into force on 1 July 2026: section 11 in so far as it inserts subsections (1), (2), (3)(a) and (e) of section 75A, and sections 75B and 75C into the 2014 Act.

**Miscellaneous provisions relating to social care services, social care workers and local authority social care functions**

**3.—**(1) The following provisions of the Act come into force on 1 January 2026—

- (a) section 14(2)(c) (duty to submit and publish annual return),
- (b) section 15 (application for cancellation of service provider's registration: information to be provided),
- (c) sub-paragraphs (2) and (5) to (8) of paragraph 7 of Schedule 1, and section 22 (social care: minor and consequential amendments) in so far as it relates to those sub-paragraphs,
- (d) section 20 (direct payments in social care)—
  - (i) subsection (1);
  - (ii) subsection (2)(a);

(iii) subsection (2)(c) and (d), but only in so far as it commences paragraphs 1, 2 and 6 to 8 of Schedule A1 to the 2014 Act, and

(e) paragraph 5(3)(d) of Schedule 1.

(2) The following provisions of the Act come into force on 1 April 2026—

(a) section 14 in so far as not already in force,

(b) section 17 (information, inspection and investigations), except subsection (3),

(c) section 19 (fitness to practice cases: powers to extend interim orders),

(d) sub-paragraphs (9) to (13) of paragraph 7 of Schedule 1, and section 22 in so far as it relates to those sub-paragraphs,

(e) section 20 in so far as not already in force, and

(f) paragraphs 3, 4(1) and (3), 5 and 6 of Schedule 1, and section 22 in so far as it relates to those paragraphs, in so far as not already in force.

#### **Provisions relating to health care**

4. The following provisions of the Act come into force on 1 January 2026—

(a) section 24 (direct payments for health care), and

(b) paragraphs 1 to 3 and 5 to 6 of Schedule 2, and section 25 (direct payments for health care: minor and consequential amendments) in so far as it relates to those paragraphs.

#### **Transitional and saving provisions**

5.—(1) In this article the following terms, listed in the order that they appear in this article, have the same meaning as in the 2016 Act—

“local authority”(1);

“care home service”(2);

“fostering service”(3);

“secure accommodation service”(4);

“regulated service”(5);

“the tribunal”(1).

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(1) 2016 anaw 2, section 189.

(2) 2016 anaw 2, section 2, and paragraph 1 of Schedule 1.

(3) 2016 anaw 2, section 2, and paragraph 5 of Schedule 1.

(4) 2016 anaw 2, section 2, and paragraph 2 of Schedule 1.

(5) 2016 anaw 2, section 2, and Schedule 1.

(2) This article applies where, on or before 31 March 2026, a person other than a local authority applies for—

- (a) registration as a service provider in respect of a—
  - (i) care home service provided wholly or mainly to children,
  - (ii) fostering service, or
  - (iii) secure accommodation service;
- (b) a variation of the service provider's registration to provide one or more of the regulated services specified in subparagraph (a)—
  - (i) which the service provider is not already registered to provide, or
  - (ii) at, from or in relation to a place which is not already specified in the provider's registration in relation to that service.

(3) Where an application referred to in paragraph (2) has not been determined by the Welsh Ministers before 1 April 2026—

- (a) the application is to be treated as if section 6A(1) of the 2016 Act was not yet in force, and
- (b) if the application is granted, the service provider is to be treated for the purposes of section 6C and Schedule 1A to the 2016 Act as if the application had been granted prior to the coming into force of section 6A(1) of the 2016 Act.

(4) For the purposes of paragraph (3) of this article, reference to an application being granted includes a decision by the tribunal to grant the application on appeal.

*Dawn Bowden*

Minister for Children and Social Care, under the authority of Jeremy Miles, Cabinet Secretary for Health and Social Care, one of the Welsh Ministers.  
28 November 2025

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(1) 2016 anaw 2, section 189.