

SL(6)714 – The Annual Returns (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

These Regulations amend the Regulated Services (Annual Returns) (Wales) Regulations 2017 (“the 2017 Regulations”), which were made under section 10 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”). They also make a minor amendment to the Regulated Services (Penalty Notices) (Wales) Regulations 2019, arising from changes to section 48 of the 2016 Act introduced by section 14(3)(c) of the Health and Social Care (Wales) Act 2025 (“the 2025 Act”).

The amendments to the 2017 Regulations reflect provisions inserted into the 2016 Act by the 2025 Act concerning the regulation of “restricted children’s services”. This term is defined in section 2A of the 2016 Act. Regulation 2(2) of these Regulations inserts a new regulation 6A into the 2017 Regulations. This new provision requires service providers (other than local authorities) who provide a restricted children’s service to include in their annual return a statement confirming that they continue to meet the requirement in section 6A(1) of the 2016 Act.

Section 6A(1) of the 2016 Act provides that a person who is not a local authority may only be registered to provide a restricted children’s service if they are a not-for-profit entity. This requirement does not apply to service providers who are exempt from section 6A by virtue of paragraph 2(4) of Schedule 1A to the 2016 Act. Accordingly, this position is reflected in paragraph (2) of regulation 6A.

Regulation 2(3) amends regulation 10 of the 2017 Regulations to require service providers to publish their annual returns on their websites. In addition to the existing obligation to submit annual returns within a specified timeframe, service providers must now ensure that the annual return is made publicly available on their website within 91 days following the end of the financial year to which it relates.

Regulation 3 makes a consequential amendment to regulation 4 of the Regulated Services (Penalty Notices) (Wales) Regulations 2019. This reflects the change made by the Health and Social Care (Wales) Act 2025 to the heading of section 48 of the 2016 Act, which now refers to both the submission and publication of annual returns.

Procedure

Senedd Approval Procedure

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.



Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

We note that these regulations have been laid before Senedd Cymru in accordance with the Senedd approval procedure and come into force on 1 April 2026.

One of the enabling powers relied upon, section 10(1)(b) of the Regulation and Inspection of Social Care Wales Act 2016, is not yet in force. Section 10(1)(b) was inserted by section 14(2)(a) of the Health and Social Care (Wales) Act 2025. Article 3(2)(a) of the Health and Social Care (Wales) Act 2025 (Commencement No.1 and Transitional and Saving Provisions) Order 2025 provides that section 14 (other than section 14(2)(c)) comes into force on **1 April 2026**, the same date on which these Regulations come into force.

Section 16 of the Legislation (Wales) Act 2019 provides that a power under provisions of subordinate instruments may be exercised before those provisions come into force.

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

20 January 2026

