

Explanatory Memorandum to the Health and Social Care (Wales) Act 2025 (Consequential Amendments) (Wales) Regulations 2026

This Explanatory Memorandum has been prepared by the Health, Social Care and Early Years Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Health and Social Care (Wales) Act 2025 (Consequential Amendments) (Wales) Regulations 2026.

Dawn Bowden MS
Minister for Children and Social Care
3 March 2026

PART 1

1. Description

1.1 The Health and Social Care (Wales) Act 2025 (Consequential Amendments) (Wales) Regulations 2026 ('the Regulations') amend the Care Act 2014 ('the Care Act') and the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act'), in consequence of amendments made by the Health and Social Care (Wales) Act 2025 ('the 2025 Act').

2. Matters of special interest to the Legislation, Justice and Constitution Committee

2.1 None.

3. Legislative background

3.1 As the consequential amendments made by these Regulations amend primary legislation, the powers to be used to make them are subject to the Senedd Approval process.

3.2 If passed by the Senedd, these Regulations will be made by Welsh Ministers under powers conferred by section 28 of the 2025 Act.

4. Purpose and intended effect of the legislation

4.1 These Regulations make amendments to the Care Act and the 2016 Act, in consequence of amendments made by the 2025 Act.

4.2 Regulation 2 amends cross-references to certain provisions of the Social Services and Well-Being (Wales) Act 2014 which are contained in the Care Act and which have changed following the amendments made by the 2025 Act. These are provisions relating to "direct payments" made either towards the cost of meeting a person's needs for care and support, or towards the cost of meeting a person's need for "after-care" under section 117 of the Mental Health Act 1983.

4.3 Regulation 3 amends section 47(d) of the 2016 Act to reflect amendments made to section 32 of that Act by section 17(2) of the 2025 Act. The amendments to section 32 of the 2016 Act relate to the Welsh Ministers' – in practice, Care Inspectorate Wales, acting on their behalf – power to require the provision of information for the purposes of their regulatory functions. Section 47 of the 2016 Act makes it a criminal offence for a person to make a false statement when providing information to the regulator in a number of circumstances and the amendment to section 47(d) is to amend the cross-reference to the relevant part of section 32.

5. Consultation

- 5.1 No formal consultation has taken place on the amendments made by these Regulations, as they are purely technical in nature and do not alter policy, create new duties or change existing processes. [Legislative proposals for the 2025 Act were consulted upon in 2022](#). As these amendment Regulations make only minor technical changes and do not alter policy or introduce any new requirements, no further consultation was considered necessary.

6. Regulatory Impact Assessment

- 6.1 The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments has been considered in relation to these Regulations which are technical in nature and simply update cross-references within legislation.
- 6.2 As these amendments do not alter policy, create new duties, or change existing processes, there are no identifiable costs or benefits arising from their implementation. It was therefore not considered necessary to undertake a full Regulatory Impact Assessment.