



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 10

#### GENERAL PROVISIONS

#### **135 Orders and regulations**

- (1) A power to make an order or regulations under this Act is exercisable by statutory instrument.
- (2) A power to make an order or regulations under this Act includes power—
  - (a) to make different provision for different purposes (including different areas);
  - (b) to make provision generally or in relation to specific cases.
- (3) A power to make an order or regulations under this Act (except a power conferred by section 78(6), 137 or 139) includes power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (4) Subject to subsection (5), a statutory instrument that contains an order or regulations made under this Act by the Secretary of State or the Lord Chancellor is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) Subsection (4) does not apply to—
  - (a) a statutory instrument containing an order under section 78(6), 137 or 139, or
  - (b) a statutory instrument to which subsection (6) applies.
- (6) A statutory instrument containing (whether alone or with other provision)—
  - (a) the first regulations to be made under section 49,
  - (b) an order under section 58(1) or 59(1),
  - (c) regulations under section 70(3),
  - (d) regulations under section 92 or 93,
  - (e) regulations under subsection (6), (8), (9) or (10) of section 94,
  - (f) regulations under subsection (11) of that section which amend, repeal or revoke any provision of an enactment within the meaning of that section, or

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- (g) an order under section 136 which amends or repeals any provision of primary legislation,

is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (7) “Primary legislation” means—
- (a) an Act of Parliament;
  - (b) a Measure or Act of the National Assembly for Wales.

### **136 Consequential amendments, repeals and revocations**

- (1) The Secretary of State or the Lord Chancellor may by order make provision in consequence of any provision of this Act.
- (2) The power conferred by subsection (1) includes power to amend, repeal, revoke or otherwise modify any provision made by or under an enactment (including any enactment passed or made in the same Session as this Act).
- (3) “Enactment” includes a Measure or Act of the National Assembly for Wales.

### **137 Transitional, transitory or saving provision**

- (1) The Secretary of State or the Lord Chancellor may by order make transitional, transitory or saving provision in connection with the coming into force of any provision of this Act.
- (2) Subsections (3) to (5) apply if section 85(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (“the 2012 Act”) comes into force on or before the day on which this Act is passed.
- (3) Section 85 of the 2012 Act (removal of £5,000 limit on certain fines on conviction by magistrates' court) applies in relation to the following offences as if the offences were relevant offences (as defined in section 85(3) of that Act)—
  - (a) the offence contained in the new section 51C(4) to be inserted into the Childcare Act 2006 by paragraph 13 of Schedule 4 to this Act;
  - (b) the offence contained in the new section 51F(1) to be inserted into that Act by paragraph 13 of that Schedule;
  - (c) the offence contained in the new section 61D(4) to be inserted into that Act by paragraph 26 of that Schedule;
  - (d) the offence contained in the new section 61G(1) to be inserted into that Act by paragraph 26 of that Schedule;
  - (e) the offence contained in the new section 69C(6) to be inserted into that Act by paragraph 36 of that Schedule;
  - (f) the offence contained in the new section 76B(3) to be inserted into that Act by paragraph 46 of that Schedule.
- (4) Section 85 of the 2012 Act (removal of £5,000 limit on certain fines on conviction by magistrates' court) applies in relation to the power in the new section 69A(1)(b) to be inserted into the Childcare Act 2006 by paragraph 35 of Schedule 4 to this Act as if the power were a relevant power (as defined in section 85(3) of the 2012 Act).
- (5) Regulations described in section 85(11) of the 2012 Act may amend, repeal or otherwise modify a provision of this Act or the Childcare Act 2006.

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### **138 Financial provision**

- (1) There is to be paid out of money provided by Parliament—
  - (a) any expenses incurred by a Minister of the Crown or a government department under this Act, and
  - (b) any increase attributable to this Act in the sums payable under any other Act out of money so provided.
- (2) There is to be paid into the Consolidated Fund any increase attributable to this Act in the sums payable into that Fund under any other Act.

### **139 Commencement**

- (1) This Part comes into force on the day on which this Act is passed.
- (2) Section 1—
  - (a) so far as it relates to England, comes into force on such day as the Secretary of State appoints by order, and
  - (b) so far as it relates to Wales, comes into force on such day as the Welsh Ministers appoint by order.
- (3) Sections 10, 13 and 17 come into force on such day as the Lord Chancellor appoints by order.
- (4) Sections 18, 90, 101, 102, 103 and 104 come into force at the end of the period of two months beginning with the day on which this Act is passed.
- (5) Part 6 comes into force on 1 April 2014.
- (6) The remaining provisions of this Act come into force on such day as the Secretary of State appoints by order.
- (7) An order under subsection (2), (3) or (6) may appoint different days for different purposes.

### **140 Short title and extent**

- (1) This Act may be cited as the Children and Families Act 2014.
- (2) Part 3 of this Act (children and young people in England with special educational needs or disabilities) and section 100 (duty to support pupils with medical conditions) are to be included in the list of Education Acts set out in section 578 of the Education Act 1996.
- (3) This Act extends to England and Wales only, subject to the following subsections.
- (4) Section 94 extends to the whole of the United Kingdom.
- (5) Sections 126(2) to (4) and 134 extend to England and Wales and Scotland.
- (6) Section 126(3) and (4), so far as relating to paragraphs 5, 56 to 62 and 64 of Schedule 7, extends to Northern Ireland.
- (7) This Part extends to the whole of the United Kingdom.

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- (8) An amendment or repeal made by this Act has the same extent as the provision to which it relates (ignoring extent by virtue of an Order in Council), subject to subsection (9).
- (9) Subsection (8) does not apply to the repeal made by section 90, which extends to England and Wales only.

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