Children and Young Persons Act 2008

2008 CHAPTER 23

PART 5

SUPPLEMENTARY, GENERAL AND FINAL PROVISIONS

General

40 Orders, regulations and guidance

(1) Any order or regulations made by the Secretary of State or the Welsh Ministers under this Act must be made by statutory instrument.

(2) A statutory instrument containing provision made by the Secretary of State under section 1(6) or (7) or section 11 may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

(3) Any other statutory instrument containing provision made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) A statutory instrument containing provision made by the Welsh Ministers under section 1(6) or (7) may not be made unless a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales.

(5) A statutory instrument containing provision made under section 12 may not be made unless—

(a) a draft of the instrument has been laid before and approved by a resolution of the National Assembly for Wales, and

(b) having been so approved, has been laid before and approved by a resolution of each House of Parliament.

(6) As soon as reasonably practicable after the resolution required by subsection (5)(a) has been passed, the First Minister must ensure that notice in writing of the resolution and a copy of the draft of the statutory instrument is sent to the Secretary of State.

Status: *Point in time view as at 13/11/2008. This version of this cross heading contains provisions that are not valid for this point in time.*
Changes to legislation: *There are currently no known outstanding effects for the Children and Young Persons Act 2008, Cross Heading: General. (See end of Document for details)*

(7) On receipt of a draft of a statutory instrument under subsection (6) the Secretary of State must as soon as reasonably practicable lay it before each House of Parliament.

(8) Paragraph (b) of subsection (5) and subsections (6) and (7) cease to have effect on the making of an order under section 105 of the Government of Wales Act 2006 (c. 32) bringing the Assembly Act provisions into force.

(9) In subsection (8) "the Assembly Act provisions" has the same meaning as in the Government of Wales Act 2006 (see section 103(8) of that Act).

(10) Any other statutory instrument containing provision made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(11) Subsections (3) and (10) do not apply to a statutory instrument containing only provision made under section 44.

(12) Any power to make regulations under this Act includes power to make—
- (a) different provision for different cases;
- (b) such supplemental or consequential provisions as appear to the Secretary of State or, as the case may, the Welsh Ministers to be appropriate.

(13) Any power under this Act to give guidance includes power to give different guidance for different cases.

41 Interpretation

In this Act—

"the 1989 Act" means the Children Act 1989 (c. 41);

"the 2000 Act" means the Care Standards Act 2000 (c. 14).

VALID FROM 01/04/2009

42 Repeals

The provisions specified in Schedule 4 are repealed to the extent there specified.

Commencement Information

I1 S. 42 in force for specified purposes at 1.4.2009 for E. by S.I. 2009/268, **art. 3(2)(b)**

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