



Adoption and Children Act 2002

2002 CHAPTER 38

PART 3

MISCELLANEOUS AND FINAL PROVISIONS

CHAPTER 2

FINAL PROVISIONS

140 Orders, rules and regulations

- (1) Any power to make subordinate legislation conferred by this Act on the Lord Chancellor, the Secretary of State, the Scottish Ministers, the Assembly or the Registrar General is exercisable by statutory instrument.
- (2) A statutory instrument containing subordinate legislation made under any provision of this Act (other than section 14 or 148 or an instrument to which subsection (3) applies) is to be subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) A statutory instrument containing subordinate legislation—
 - [^{F1}(za) under section 3ZA(6),]
 - (a) under section 9 which includes provision made by virtue of section 45(2),
 - (b) under section 92(6), 94 or 123(6), or
 - (c) which adds to, replaces or omits any part of the text of an Act,is not to be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (4) Subsections (2) and (3) do not apply to an Order in Council or to subordinate legislation made—
 - (a) by the Scottish Ministers, or
 - (b) by the Assembly, unless made jointly by the Secretary of State and the Assembly.

Changes to legislation: Adoption and Children Act 2002, Section 140 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A statutory instrument containing regulations under section 63(2) made by the Scottish Ministers is to be subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (6) The power of the Department of Health, Social Services and Public Safety to make regulations under section 63(2) is to be exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/ 1573 (N.I. 12)); and any such regulations are to be subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.)) as if they were statutory instruments within the meaning of that Act.
- (7) Subordinate legislation made under this Act may make different provision for different purposes [^{F2}or areas].
- (8) A power to make subordinate legislation under this Act (as well as being exercisable in relation to all cases to which it extends) may be exercised in relation to—
 - (a) those cases subject to specified exceptions, or
 - (b) a particular case or class of case.
- (9) In this section, “subordinate legislation” does not include a direction.

Textual Amendments

- F1** S. 140(3)(za) substituted (7.3.2018) by [Education and Adoption Act 2016 \(c. 6\), ss. 15\(4\), 19\(2\)](#); S.I. 2018/300, reg. 2(a)
- F2** Words in s. 140(7) inserted (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 7\(6\), 139\(6\)](#); S.I. 2014/889, art. 5(b)

Modifications etc. (not altering text)

- C1** S. 140(1)(2) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\), regs. 1\(1\), 2, Sch. 1](#)
- C2** S. 140(7)-(9) applied (with modifications) (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\), regs. 1\(1\), 2, Sch. 1](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))