

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 – General Provisions

Section 135: Orders and regulations

709. This section provides that all orders and regulations made by the Secretary of State or the Lord Chancellor under the Act are to be made by statutory instrument. Orders made under section 78(6) (*Order relating to the coming into force of the SEN Code of Practice*), section 137 (*Transitional, transitory or saving provision*) and section 139 (*Commencement*) are not subject to any parliamentary procedure. The first regulations to be made under section 49, an order under section 58(1) or 59(1), regulations under sections 70(3), 92, 93, 94(6), (8), (9) or (10), or under section 94(11) or 136 that amend primary legislation, will be subject to the affirmative resolution procedure. In addition any order made under section 3A of the Adoption and Children Act 2002 (inserted by section 4 of this Act), and the first regulations made under section 4A (inserted by section 5), and section 128A(4) (inserted by section 7) of that Act are subject to the affirmative resolution procedure. All other orders and regulations made under this Act are subject to the negative resolution procedure.
710. This section allows for orders or regulations to make different provision for different purposes (including different areas) and to make provision generally or in relation to specific cases. Other than in relation to orders made under section 78(6) (*Order relating to the coming into force of the SEN Code of Practice*), section 137 (*Transitional, transitory or saving provision*) or section 139 (*Commencement*), a power to make an order or regulations includes power to make incidental, supplementary, consequential, transitional or transitory provision or saving.