



Children and Families Act 2014

2014 CHAPTER 6

PART 3

CHILDREN AND YOUNG PEOPLE IN ENGLAND WITH SPECIAL EDUCATIONAL NEEDS OR DISABILITIES

Code of practice

78 Making and approval of code

- (1) Where the Secretary of State proposes to issue or revise a code under section 77, the Secretary of State must prepare a draft of the code (or revised code).
- (2) The Secretary of State must consult such persons as the Secretary of State thinks fit about the draft and must consider any representations made by them.
- (3) If the Secretary of State decides to proceed with the draft (in its original form or with modifications), the Secretary of State must lay a copy of the draft before each House of Parliament.
- (4) The Secretary of State may not take any further steps in relation to—
 - (a) a proposed code unless the draft is approved by a resolution of each House, or
 - (b) a proposed revised code if, within the 40-day period, either House resolves not to approve the draft.
- (5) Subsection (6) applies if—
 - (a) both Houses resolve to approve the draft, as mentioned in subsection (4)(a), or
 - (b) neither House resolves not to approve the draft, as mentioned in subsection (4)(b).
- (6) The Secretary of State must issue the code or revised code in the form of the draft, and it comes into force on such date as the Secretary of State may by order appoint.
- (7) Subsection (4) does not prevent a new draft of a proposed code (or proposed revised code) from being laid before Parliament.

Changes to legislation: *There are currently no known outstanding effects for the Children and Families Act 2014, Section 78. (See end of Document for details)*

- (8) In this section “40-day period”, in relation to the draft of a proposed revised code, means—
- (a) if the draft is laid before one House on a later day than the day on which it is laid before the other, the period of 40 days beginning with the later of the two days, and
 - (b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House.
- (9) For the purposes of subsection (8), no account is to be taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Commencement Information

- II** S. 78 in force at 1.5.2014 by [S.I. 2014/889](#), **art. 4A** (as inserted (30.4.2014) by [S.I. 2014/1134](#), art. 2(2))

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