

# **ADOPTION AND CHILDREN (SCOTLAND) ACT 2007**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 4**

#### **General**

#### ***Section 117 - Orders and regulations***

372. This section relates to any orders or regulations made under any provision in the Act.
373. By virtue of subsection (1), any power in the Act to make regulations or orders conferred on the Scottish Ministers or the Registrar General will be exercised by statutory instrument.
374. Subsection (2) provides that any power to make regulations or orders may be used to make different provision for different purposes and includes power to make any incidental, supplementary, consequential, transitory, transitional or saving provisions as the Scottish Ministers or the Registrar General, where appropriate, consider appropriate.
375. Subsection (3) allows any power to make orders or regulations to be exercised in relation to those cases subject to specified exceptions or a particular case or class of cases.
376. By virtue of subsection (4), any statutory instrument containing regulations or an order (other than regulations mentioned in subsection (5) or commencement orders made under section 121) is subject to annulment in the Scottish Parliament.
377. Under subsection (5), any statutory instrument which contains regulations under section 3 of the Act which includes provision amending subsection (4) or (5) of section 1 or regulations under section 38(1) or 74(1) must not be made unless a draft has been laid before and approved by the Scottish Parliament. Similarly, a statutory instrument containing an order under section 116(1) which modifies primary legislations made at Westminster or in the Scottish Parliament is subject to the same affirmative procedure.
378. For the purposes of this section, ‘Registrar General’ has the meaning given by section 57(1) of the Act.