



# Children Act 2004

## 2004 CHAPTER 31

### PART 6

#### GENERAL

#### 66 Regulations and orders

- (1) Any power to make regulations or an order under this Act includes power—
  - (a) to make different provision for different purposes;
  - (b) to make different provision for different cases or areas;
  - (c) to make incidental, supplementary, consequential or transitional provision or savings.
- (2) Any power to make regulations or an order under this Act, other than an order under section 42 or 43, is exercisable by statutory instrument.
- (3) The Secretary of State may not make a statutory instrument containing regulations under section 12 <sup>[F1]</sup>, 12B(1)(b) <sup>[F2]</sup>, 16B (whether alone or with regulations under section 16F), 16E(3) ] or 45 unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (4) The Secretary of State may not make a statutory instrument containing <sup>[F3]</sup>the first regulations under section 9A or] the first order under section 49 unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (5) A statutory instrument containing—
  - (a) any regulations made by the Secretary of State under this Act <sup>[F4]</sup>to which neither of subsections (3) and (4) applies],
  - (b) an order made by the Secretary of State under section 49 to which subsection (4) does not apply, or
  - (c) an order made by the Secretary of State under section 11(1)(d) or section 65(2),is subject to annulment in pursuance of a resolution of either House of Parliament.

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*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 66. (See end of Document for details)*

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- (6) Subsection (5) does not apply to regulations made by the Secretary of State jointly with the Assembly under section 43(7).
- (7) [<sup>F5</sup>Any statutory instrument containing regulations made under section<sup>F6</sup>25 or] 26 by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.]
- (8) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.

#### Textual Amendments

- F1** Words in s. 66(3) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 194\(7\)](#), 269; S.I. 2010/303, [art. 3](#), Sch. 2
- F2** Words in s. 66(3) inserted (19.3.2018) by [Children and Social Work Act 2017](#) (c. 16), [ss. 29](#), 70(2); S.I. 2018/346, reg. 3(e)
- F3** Words in s. 66(4) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 195\(2\)\(a\)](#), 269; S.I. 2009/3317, [art. 2](#), Sch.
- F4** Words in s. 66(5)(a) substituted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), [ss. 195\(2\)\(b\)](#), 269; S.I. 2009/3317, [art. 2](#), Sch.
- F5** S. 66(7) repealed (E.W.) (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015](#) (anaw 2), s. 56(2), [Sch. 4 para. 17](#); S.I. 2016/86, art. 3
- F6** Words in s. 66(7) inserted (E.W.) (6.4.2016) by [Social Services and Well-being \(Wales\) Act 2014](#) (anaw 4), [ss. 163\(8\)](#), 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 66.