

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 10 – General Provisions

Section 137: Transitional, transitory or saving provision

712. *Subsection (1)* allows the Secretary of State or Lord Chancellor to make transitional provision in connection with the commencement of the provisions of the Act.
713. *Subsections (2) to (5)* relate to offences contained in the Act which are punishable by the magistrates' court on summary conviction with a fine of £5000. These subsections contain transitional provisions to cater for the situation where section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 ("the 2012 Act") comes into force on or before the day on which this Act receives Royal Assent.
714. Once section 85 of the 2012 Act is commenced, offences which are punishable by the magistrates' court on summary conviction with a fine of £5000, will be punishable by an unlimited fine instead. In addition, following the commencement of section 85, powers to create an offence punishable by a fine of £5000 will, instead, be able to be exercised to create an offence punishable by a fine of any amount.
715. *Subsection (3)* operates so as to treat the offences listed within that subsection as offences in respect of which section 85(1) of the 2012 Act removes the maximum fine.
716. *Subsection (4)* applies to the power in the new section 69A(1)(b) to be inserted into the Childcare Act 2006 which allows regulations to create offences relating to things done whilst registration with a childminder agency is suspended. *Subsection (4)* operates so as allow an offence to be created by regulations made under new section 69A(1)(b) which is punishable by a fine of any amount.
717. *Subsection (5)* refers to regulations made under section 85 and to regulations made under section 149 of the 2012 Act (Power to make consequential and supplementary provision etc.) which make provision in relation to section 85. *Subsection (5)* allows such regulations to amend, repeal or otherwise modify a provision of this Act or the Childcare Act 2006.