



# United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024 2024 asp 1

## PART 1

### THE UNCRC REQUIREMENTS

PROSPECTIVE

#### *Interpretation of the UNCRC requirements*

#### **4 Interpretation of the UNCRC requirements**

- (1) A court or tribunal which is determining a question in connection with the UNCRC requirements which has arisen in proceedings before it may take into account the things mentioned in subsection (2) so far as it is relevant to the interpretation of the UNCRC requirements in those proceedings.
- (2) The things are—
  - (a) provisions of Part 1 of the Convention, the first optional protocol and the second optional protocol that are not for the time being set out in the schedule,
  - (b) the preambles to the Convention, the first optional protocol and the second optional protocol,
  - (c) General Comments (whenever prepared),
  - (d) concluding observations (whenever made),
  - (e) views and findings under the third optional protocol (whenever adopted),
  - (f) recommendations following days of general discussion (whenever made),
  - (g) other international law and comparative law.
- (3) In subsection (2)—

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Cross Heading: Interpretation of the UNCRC requirements. (See end of Document for details)

“concluding observations” means suggestions and general recommendations made by the United Nations Committee on the Rights of the Child under article 45, paragraph (d) of the Convention,

“General Comments” means comments prepared by the United Nations Committee on the Rights of the Child under rule 77 of its rules of procedure,

“recommendations following days of general discussion” means recommendations made by the United Nations Committee on the Rights of the Child following days of general discussion under rule 79 of its rules of procedure,

“views and findings under the third optional protocol” means—

- (a) views adopted by the United Nations Committee on the Rights of the Child under article 10, paragraph 5 of the third optional protocol, and
- (b) findings, comments and recommendations adopted by the United Nations Committee on the Rights of the Child under article 13, paragraph 4 of the third optional protocol.

- (4) In this section and section 5, “the third optional protocol” means the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

#### Commencement Information

- 11** S. 4 comes into force in accordance with s. 47(2)

## 5 Duty to modify section 4 on ratification of the third optional protocol to the Convention

- (1) If the United Kingdom ratifies the third optional protocol, the Scottish Ministers must by regulations modify section 4 as they consider appropriate to take account of the third optional protocol.
- (2) No modification may be made by regulations under subsection (1) so as to come into force before the third optional protocol has entered into force in relation to the United Kingdom.
- (3) Regulations under subsection (1) are subject to the negative procedure.

#### Commencement Information

- 12** S. 5 comes into force in accordance with s. 47(2)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Cross Heading: Interpretation of the UNCRC requirements.