

*Status: This version of this provision is prospective.*

*Changes to legislation: United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024, Section 35 is up to date with all changes known to be in force on or before 01 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



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

2024 asp 1

## PART 5

### COMPATIBILITY QUESTIONS AND UNCRC COMPATIBILITY ISSUES

PROSPECTIVE

#### 35 Reference of compatibility question to higher court

- (1) A court, other than the Supreme Court or the Inner House of the Court of Session, may refer any compatibility question which arises in proceedings (other than criminal proceedings) before it to the Inner House.
- (2) A tribunal from which there is no appeal must refer any compatibility question which arises in proceedings before it to the Inner House and any other tribunal may make such a reference.
- (3) The Inner House may refer any compatibility question which arises in proceedings before it (otherwise than on a reference under subsection (1) or (2)) to the Supreme Court.
- (4) An appeal against a determination of a compatibility question by the Inner House on a reference under subsection (1) or (2) lies to the Supreme Court.
- (5) An appeal against a determination of a compatibility question by the Inner House from which there is no appeal to the Supreme Court apart from this subsection lies to the Supreme Court only—
  - (a) with the permission of the Inner House, or
  - (b) if the Inner House has refused permission, with the permission of the Supreme Court.

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#### **Commencement Information**

- II** S. 35 comes into force in accordance with s. 47(2)

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**Changes and effects yet to be applied to :**

- s. 35 coming into force by [2024 asp 1 s. 47\(2\)](#)