



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

2024 asp 1

PART 7

FINAL PROVISIONS

42 Interpretation

(1) In this Act—

- “compatibility question” has the meaning given in section 31,
- “incompatibility declarator” has the meaning given in section 26(2),
- “public authority” has the meaning given in section 6(5) and (8),
- “remedial regulations” has the meaning given in section 39(1),
- “strike down declarator” has the meaning given in section 25(2),
- “Supreme Court” means the Supreme Court of the United Kingdom,
- “the Convention” has the meaning given in section 1(1),
- “the first optional protocol” has the meaning given in section 1(1),
- “the second optional protocol” has the meaning given in section 1(1),
- “the UNCRC requirements” has the meaning given in section 1(2),
- “UNCRC compatibility issue” has the meaning given in section 288AB(1) of the Criminal Procedure (Scotland) Act 1995.

(2) For the purposes of this Act, a function conferred by words inserted by one enactment into another enactment (“the modified enactment”) is to be regarded as conferred only by the modified enactment.

43 No modification of the Human Rights Act 1998

Nothing in this Act modifies the Human Rights Act 1998.

44 Rules of court

- (1) In this section, “rules of court” means rules made under any power to make provision for regulating the practice or procedure of any court or tribunal.
- (2) Any power to make provision for regulating the practice or procedure of any court or tribunal includes power to make provision for the purposes of this Act including, in particular, provision—
 - (a) for specifying the stage in the proceedings at which a compatibility question is to be raised or referred,
 - (b) for the sisting of proceedings for the purposes of any proceedings under this Act, and
 - (c) for determining how and when any intimation or notice is to be given.
- (3) The giving of intimation or notice under this Act is to be done in accordance with provision made in rules of court.

45 Regulations

- (1) A power of the Scottish Ministers to make regulations under this Act includes power to make—
 - (a) incidental, supplementary, consequential, transitional, transitory or saving provision,
 - (b) different provision for different purposes.
- (2) Subsection (1) does not apply to regulations under section 47(2).

46 Ancillary provision

- (1) The Scottish Ministers may by regulations make any incidental, supplementary, consequential, transitional, transitory or saving provision they consider appropriate for the purposes of, in connection with or for giving full effect to this Act or any provision made under it.
- (2) Regulations under this section may modify any enactment (including this Act).
- (3) Regulations under this section—
 - (a) are subject to the affirmative procedure if they add to, replace or omit any part of the text of an Act, but
 - (b) otherwise are subject to the negative procedure.

47 Commencement

- (1) The following provisions come into force on the day after Royal Assent—
 - (a) section 42,
 - (b) section 45,
 - (c) section 46,
 - (d) this section,
 - (e) section 48.
- (2) The other provisions of this Act come into force—
 - (a) at the end of a period of 6 months beginning with the day of Royal Assent,

- (b) on such earlier day as the Scottish Ministers may by regulations appoint.
- (3) Regulations under this section bringing into force any provisions containing any text referring to the day on which the provisions come into force may amend the text so that the text specifies the date on which the provisions actually come into force.
- (4) Regulations under this section—
 - (a) may make different provision for different purposes,
 - (b) may include transitional, transitory or saving provision.

48 Short title

The short title of this Act is the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Act 2024.