



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

2024 asp 1

## PART 1

### THE UNCRC REQUIREMENTS

#### *Meaning of “the UNCRC requirements” and related expressions*

- 2** **Meaning of references to States Parties and related expressions in the UNCRC requirements**
- (1) References in the UNCRC requirements to a State Party, States Parties and related expressions are to be read for the purposes of this Act as set out in subsections (2) and (3).
- (2) Unless subsection (3) applies—
- (a) a reference to a State Party is to be read as including reference to a public authority, and
  - (b) a reference to States Parties is to be read as including reference to public authorities.
- (3) In the articles of the UNCRC requirements mentioned in column 1 of the following table, references relating to a State Party, States Parties or (as the case may be) related expressions are to be read as set out in column 2 of the table.

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<i>Articles of the UNCRC requirements</i>	<i>Modifications</i>
Article 2 of the Convention	In paragraph 1, the reference to “their jurisdiction” is to be read as “Scotland”. The references to “States Parties” are to be read as “Any Scottish public authority or cross-border public authority carrying out Scottish

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<i>Articles of the UNCRC requirements</i>	<i>Modifications</i>
	functions other than any function that relates to the inclusion of persons in non-executive posts on boards of Scottish public authorities with mixed functions or no reserved functions”.
Article 7 of the Convention	In paragraph 2, the reference to “their obligations” is to be read as a reference to “the obligations of the United Kingdom”.
Article 22 of the Convention	In paragraph 1, the reference to “the said States are Parties” is to be read as “the United Kingdom is a party”.
Article 27 of the Convention	In paragraph 4, the reference to “the State Party” is to be read as “Scotland”.
Article 38 of the Convention	In paragraph 1, the reference to “them” is to be read as a reference to “the United Kingdom”. In paragraph 4, the reference to “their” is to be read as a reference to “the United Kingdom’s”.
Article 6 of the first optional protocol	In paragraph 1, the reference to “its jurisdiction” is to be read as “Scotland”. In paragraph 3, the reference to “their jurisdiction” is to be read as “Scotland”.
Article 4 of the second optional protocol	In paragraphs 1, 2 and 3, each reference to “its territory” is to be read as “Scotland”.

- (4) In the modifications relating to article 2 of the Convention in the table—
- “cross-border public authority” has the meaning given in section 88(5) of the Scotland Act 1998,
  - “non-executive post” and “Scottish functions” have the meaning given in Section L2 (equal opportunities) of Part 2 of schedule 5 of that Act,
  - “Scottish public authority” has the meaning given in section 126(1) of that Act,
  - “Scottish public authorities with mixed functions or no reserved functions” has the meaning given in paragraphs 1 and 2 of Part 3 of schedule 5 of that Act.

#### Commencement Information

**II** S. 2 in force at 31.1.2024, see s. 47(2)(b) and S.S.I. 2024/13, reg. 2

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