



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

## PART 2

### DUTIES ON PUBLIC AUTHORITIES

#### *Remedies for unlawful acts*

#### **8 Judicial remedies**

- (1) In relation to any act (or proposed act) of a public authority which the court or tribunal finds is (or would be) unlawful under section 6(1), it may grant such relief or remedy, or make such order, within its powers as it considers effective, just and appropriate.
- (2) But damages for an unlawful act of a public authority may be awarded only by a court or tribunal which has power to award damages in civil proceedings.
- (3) In considering—
  - (a) whether to award damages, or
  - (b) the amount of any award of damages,the court or tribunal must consider whether the award of damages and (if any) the amount of any award of damages is necessary to provide just satisfaction to the person to whom the award is made.
- (4) A public authority against which damages are awarded is to be treated for the purpose of section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 as if the award were made in an action of damages in which the authority has been found liable in respect of loss or damage to the person to whom the award is made.
- (5) In proceedings brought or intervened in by the Commissioner for Children and Young People in Scotland or the Scottish Commission for Human Rights, no award of damages is to be made to the Commissioner or the Scottish Commission for Human Rights.

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**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, Section 8. (See end of Document for details)

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[<sup>F1</sup>(6) Section 288BZA of the Criminal Procedure (Scotland) Act 1995 modifies the court's power under subsection (1) in relation to certain UNCRC compatibility issues in criminal proceedings.]

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**Textual Amendments**

**F1** S. 8(6) inserted (16.7.2024) by Children (Care and Justice) (Scotland) Act 2024 (asp 5), ss. 33(3), 38(2)

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**Commencement Information**

**II** S. 8 in force at 16.7.2024, see s. 47(2)(a)

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