



Children and Young People (Scotland) Act 2014

2014 asp 8

PART 1

RIGHTS OF CHILDREN

1 Duties of Scottish Ministers in relation to the rights of children

- (1) The Scottish Ministers must—
 - (a) keep under consideration whether there are any steps which they could take which would or might secure better or further effect in Scotland of the UNCRC requirements, and
 - (b) if they consider it appropriate to do so, take any of the steps identified by that consideration.
- (2) In complying with their duty under subsection (1)(a), the Scottish Ministers must take such account as they consider appropriate of any relevant views of children of which the Scottish Ministers are aware.
- (3) The Scottish Ministers must promote public awareness and understanding (including appropriate awareness and understanding among children) of the rights of children.
- (4) As soon as practicable after the end of each 3 year period, the Scottish Ministers must lay before the Scottish Parliament a report of—
 - (a) what steps they have taken in that period to secure better or further effect in Scotland of the UNCRC requirements,
 - (b) what they have done in that period in pursuance of subsection (3), and
 - (c) their plans until the end of the next 3 year period—
 - (i) to take steps to secure better or further effect in Scotland of the UNCRC requirements, and
 - (ii) to do things in pursuance of subsection (3).
- (5) In preparing such a report the Scottish Ministers must take such steps as they consider appropriate to obtain the views of children on what their plans for the purposes of subsection (4)(c) should be.

- (6) In subsection (4), “3 year period” means—
 - (a) the period of 3 years beginning with the day on which this section comes into force, and
 - (b) each subsequent period of 3 years.
- (7) As soon as practicable after a report has been laid before the Scottish Parliament under subsection (4), the Scottish Ministers must publish it (in such manner as they consider appropriate).

2 Duties of public authorities in relation to the UNCRC

- (1) As soon as practicable after the end of each 3 year period, an authority to which this section applies must publish (in such manner as the authority considers appropriate) a report of what steps it has taken in that period to secure better or further effect within its areas of responsibility of the UNCRC requirements.
- (2) In subsection (1), “3 year period” means—
 - (a) the period of 3 years beginning with the day on which this section comes into force, and
 - (b) each subsequent period of 3 years.
- (3) Two or more authorities to which this section applies may satisfy subsection (1) by publishing a report prepared by them jointly.

3 Authorities to which section 2 applies

- (1) The authorities to which section 2 applies are the persons listed, or persons within a description listed, in schedule 1.
- (2) The Scottish Ministers may by order modify schedule 1 by—
 - (a) adding a person or description of persons,
 - (b) removing an entry listed in it, or
 - (c) varying an entry listed in it.
- (3) An order under subsection (2)(a) may—
 - (a) add a person only if the person falls within subsection (4),
 - (b) add a description of persons only if each of the persons within the description falls within subsection (4).
- (4) A person falls within this subsection if the person—
 - (a) is part of the Scottish Administration,
 - (b) is a Scottish public authority with mixed functions or no reserved functions (within the meaning of the Scotland Act 1998), or
 - (c) is a publicly owned company.
- (5) In subsection (4)(c), “publicly owned company” means a company that is wholly owned by—
 - (a) the Scottish Ministers, or
 - (b) a person listed, or a person within a description listed, in schedule 1.
- (6) For the purpose of subsection (5), a company is wholly owned—
 - (a) by the Scottish Ministers if it has no members other than—

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- (i) the Scottish Ministers or other companies that are wholly owned by them, or
 - (ii) persons acting on behalf of the Scottish Ministers or of such other companies,
- (b) by a person listed, or a person within a description listed, in schedule 1 if it has no members other than—
- (i) the person or other companies that are wholly owned by the person, or
 - (ii) persons acting on behalf of the person or of such other companies.

(7) In this section, “company” includes any body corporate.

4 Interpretation of Part 1

(1) In this Part—

“the rights of children” includes the rights and obligations set out in—

- (a) the UNCRC,
- (b) the first optional protocol to the UNCRC, and
- (c) the second optional protocol to the UNCRC,

“the UNCRC” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989,

“the first optional protocol” means the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict,

“the second optional protocol” means the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,

“the UNCRC requirements” means the rights and obligations set out in—

- (a) Part 1 of the UNCRC,
- (b) Articles 1 to 6(1), 6(3) and 7 of the first optional protocol, and
- (c) Articles 1 to 10 of the second optional protocol.

(2) A reference in subsection (1) to a UNCRC document is to be read as a reference to that document subject to—

- (a) any amendments in force in relation to the United Kingdom at the time, and
- (b) any reservations, objections or interpretative declarations by the United Kingdom in force at the time.

(3) In subsection (2), “UNCRC document”—

- (a) means the UNCRC or any optional protocol to the UNCRC, and
- (b) includes provision of a UNCRC document.

(4) Where subsection (5) applies, the Scottish Ministers may by order modify subsection (1) as they consider appropriate to take account of—

- (a) an optional protocol to the UNCRC, or
- (b) an amendment of a document referred to in subsection (1) at the time.

(5) This subsection applies where the protocol or amendment is one which—

- (a) the United Kingdom has ratified, or
- (b) the United Kingdom has signed with a view to ratification.

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- (6) No modification may be made by an order under subsection (4) so as to come into force before the protocol or amendment is in force in relation to the United Kingdom.