

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 31 is up to date with all changes known to be in force on or before 03 May 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

31 Meaning of “compatibility question”

- (1) In sections 33 to 44, a “compatibility question” means—
 - (a) a question whether words in an enactment to which section 29 or 30 applies give rise to an incompatibility with the UNCRC requirements,
 - (b) a question whether a public authority has acted (or proposed to act) in a way which is made unlawful by section 6(1).
- (2) But a question arising in criminal proceedings that would, apart from this subsection, be a compatibility question is not a compatibility question if it is a UNCRC compatibility issue.
- (3) A compatibility question is not to be taken to arise in any proceedings merely because of any contention of a party to the proceedings which appears to the court or tribunal before which the proceedings take place to be frivolous or vexatious.
- (4) Any duty or power conferred by this Act to refer a compatibility question to a court is to be read as a duty or (as the case may be) power to refer the issue to the court for decision.

Commencement Information

- II** S. 31 comes into force in accordance with s. 47(2)

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Changes and effects yet to be applied to :

- s. 31 coming into force by [2024 asp 1 s. 47\(2\)](#)