



# Children Act 2004

## 2004 CHAPTER 31

### PART 1

#### CHILDREN'S COMMISSIONER

#### 6 Functions of Commissioner in Scotland

(1) The Children's Commissioner has the function of [<sup>F1</sup>promoting and protecting the rights of children in Scotland where those rights are or may be affected by reserved matters].

[<sup>F2</sup>(1A) The function under subsection (1) includes promoting awareness of the views and interests of children in Scotland.]

[<sup>F3</sup>(2) Subsections (3) to (5) of section 2 and sections 2A to 2C, 2E and 2F apply in relation to the Children's Commissioner's function under subsection (1) as in relation to the Commissioner's primary function.

(2A) For the purposes of subsection (2)—

- (a) section 2(3)(i) has effect as if for "in England" there were substituted " in Scotland, in relation to reserved matters, ",
  - (b) sections 2(4) and 2B(3) have effect as if for "children who are within section 8A (children living away from home or receiving social care) and other groups of children" there were substituted " groups of children ",
  - (c) section 2E(1) has effect as if "and the function under section 2D" were omitted, and
  - (d) section 2F(1) has effect as if "or the function under section 2D" were omitted.]
- (3) In discharging his function under subsection (1) above the Children's Commissioner must take account of the views of, and any work undertaken by, the Commissioner for Children and Young People in Scotland.
- (4) Where the Children's Commissioner considers that the case of an individual child in Scotland raises issues of public policy of relevance to other children in relation to a

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*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 6. (See end of Document for details)*

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reserved matter, he may hold an inquiry into that case for the purpose of investigating and making recommendations about those issues.

(5) Subsections (2) to (7) of section 3 apply in relation to an inquiry under subsection (4) above.

(6) Subsections (3) to (5) of section 210 of the Local Government (Scotland) Act 1973 (c. 65) apply for the purposes of an inquiry under subsection (4) above with the substitution of references to the Children's Commissioner for references to the person appointed to hold the inquiry.

<sup>F4</sup>(7) .....

<sup>F4</sup>(8) .....

<sup>F4</sup>(9) .....

(10) In this section, “reserved matter” has the same meaning as in the Scotland Act 1998 (see section 30 of and Schedule 5 to that Act).

#### Textual Amendments

- F1** Words in s. 6(1) substituted (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 4\(2\)](#)
- F2** S. 6(1A) inserted (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 4\(3\)](#)
- F3** S. 6(2)(2A) substituted for s. 6(2) (1.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 4\(4\)](#)
- F4** S. 6(7)-(9) omitted (1.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(5\), Sch. 5 para. 2\(2\)\(b\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 6.