

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 16 is up to date with all changes known to be in force on or before 05 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 3

CHILDREN'S RIGHTS SCHEME, CHILD RIGHTS AND
WELLBEING IMPACT ASSESSMENTS AND REPORTING DUTIES

Children's Rights Scheme

PROSPECTIVE

16 Reviewing and reporting on the Scheme

- (1) The Scottish Ministers must, as soon as practicable after the end of each reporting period—
 - (a) review the Scheme and its operation, and
 - (b) publish a report of their findings.
- (2) In reviewing the Scheme, the Scottish Ministers—
 - (a) must take into account the following things if they have occurred in the reporting period—
 - (i) the Committee making a suggestion or general recommendation under article 45(d) of the Convention based on a report submitted by the United Kingdom under paragraph 1(b) of article 44 of the Convention,
 - (ii) an amendment to the Convention or to an optional protocol to the Convention entering into force,
 - (iii) the Committee making a General Comment,
 - (iv) the Committee adopting views and findings under the third optional protocol,

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- (v) the Committee making recommendations following days of general discussion,
 - (vi) the United Kingdom ratifying a protocol to the Convention,
 - (vii) a court making a strike down declarator or an incompatibility declarator, and
 - (b) may take into account any international law or comparative law that they consider to be relevant,
 - (c) may take into account any other document or matter that they consider to be relevant.
- (3) A report under [subsection \(1\)](#) must include—
- (a) a summary of the actions taken by the Scottish Ministers for the purpose of—
 - (i) ensuring compliance with the duty under [section 6\(1\)](#) during the reporting period, and
 - (ii) securing better or further effect of the rights of children,
 - (b) a statement as to whether or not they intend to amend the Scheme or make a new scheme to replace it in light of the findings of their review, and
 - (c) a summary of any actions that they intend to take in the next reporting period.
- (4) A report under [subsection \(1\)](#) may include such other material as the Scottish Ministers consider appropriate, whether relating to the operation of the Scheme or to the rights of children generally.
- (5) Before publishing a report under [this section](#), the Scottish Ministers must consult the following in relation to the action to be taken in pursuance of [subsection \(3\)\(c\)](#)—
- (a) children,
 - (b) the Commissioner for Children and Young People in Scotland,
 - (c) the Scottish Commission for Human Rights, and
 - (d) such other persons as the Scottish Ministers consider appropriate.
- (6) Each report published under [this section](#) must be—
- (a) accompanied by a version of the report that children can understand,
 - (b) published in such manner as the Scottish Ministers consider appropriate,
 - (c) laid before the Scottish Parliament as soon as practicable after it is published.
- (7) In [this section](#)—
- “General Comment” means a comment prepared by the Committee under rule 77 of its rules of procedure,
- “recommendations following days of general discussion” means recommendations made by the Committee following days of general discussion under rule 79 of its rules of procedure,
- “reporting period” means—
- (a) the period beginning with the date on which the Scheme is made and ending on the date specified for such a report in the Scheme (see [section 14\(4\)](#)), and
 - (b) each subsequent period of a year,
- “the Committee” means the United Nations Committee on the Rights of the Child,
- “views and findings under the third optional protocol” means—

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- (a) views adopted by the Committee under article 10, paragraph 5 of the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, and
- (b) findings, comments and recommendations adopted by the Committee under article 13, paragraph 4 of that Protocol.

Commencement Information

II S. 16 comes into force in accordance with s. 47(2)

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Changes and effects yet to be applied to :

- s. 16 coming into force by [2024 asp 1 s. 47\(2\)](#)