

PARLIAMENTARY BUREAU

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (INCORPORATION) (SCOTLAND) BILL: RECONSIDERATION STAGE

Introduction

1. At its meeting on 14 September the Parliament agreed to reconsider the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (“UNCRC Bill”).
2. Following that decision, the Scottish Government [lodged a number of amendments](#) to the UNCRC Bill with the intention of resolving the problem identified by the Supreme Court.
3. The Equalities, Human Rights and Civil Justice Committee agreed to scrutinise the Scottish Government’s amendments and took evidence from stakeholders at its meeting on 31 October and from the Cabinet Secretary for Social Justice on 7 November.
4. The Committee published a letter setting out its views on the Scottish Government’s approach on 17 November 2023 [[Letter to the Cabinet Secretary for Social Justice \(parliament.scot\)](#)].
5. It is understood that the Scottish Government is intending to propose that Reconsideration Stage takes place on Thursday 7 December.
6. This paper provides information about the anticipated process.

Reconsideration Stage procedure

7. Rule 9.9 of Standing Orders sets out the procedure for Reconsideration Stage.
8. Rule 9.9.3 provides that proceedings at Reconsideration Stage will be taken at a meeting of the Parliament. Section 36(5) of the Scotland Act 1998 requires that any Bill amended on reconsideration must be subject to a final stage at which it can be approved or rejected.
9. Reconsideration Stage of the UNCRC Bill will therefore comprise two parts—
 - consideration of amendments
 - a debate on whether to approve the Bill.
10. If Reconsideration Stage takes place on 7 December, the deadline for lodging any further amendments will be 12 noon on Thursday 30 November.
11. As previously noted, under Rule 9.9.4, (in addition to the normal rules of admissibility) amendments must be for the purpose of resolving the problem which is the subject of the Supreme Court decision. In the case of any dispute, it would be for the Presiding Officer to decide on the admissibility of the

amendment (Rule 9.10.4). Any further amendments lodged will be published in a Daily List.

12. Following the deadline for amendments, a Marshalled List and Groupings of amendments will be circulated. There is no selection of amendments at Reconsideration Stage, so all admissible amendments lodged may be moved.
13. Consideration of the amendments at Reconsideration Stage will be very similar to that of Stage 3 amendment proceedings (although there is no provision for timing lines to be set).
14. Following consideration of amendments, there will be debate on whether the Bill should be approved (again, similar to the process for Stage 3 proceedings).
15. Before the Parliament decides whether to approve the Bill, and after any amendments have been disposed of, the Presiding Officer must make a further statement on whether any of the provisions relate to protected subject-matter as set out in section 31(4) of the Scotland Act 1998 and Rule 9.8.5BA of the Standing Orders.
16. A Bill which has been approved at Reconsideration Stage is subject to further a four-week period during which the Law Officers or Secretary of State may make a legal challenge to the Bill under section 33 and section 35 of the Scotland Act 1998, respectively. If there is no legal challenge within the four-week period, the Bill may be submitted for Royal Assent by the Presiding Officer.

Recommendation

- 17. The Bureau is invited to note information about Reconsideration Stage of the UNCRC Bill.**

**Legislation Team
November 2023**