



John Swinney MSP
Deputy First Minister
The Scottish Government

By Email

4 March 2021

Dear Deputy First Minister,

**UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD
(INCORPORATION) (SCOTLAND) BILL**

I write regarding the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill (UNCRC Bill).

Protecting vulnerable children is an absolute priority for the UK Government. Across the UK the different legal protections in place for children are recognised as being amongst the strongest in the world and measures are integrated in our respective legislation. I know that both of our governments share the common objective of protecting children's rights. I note that the Bill has cross-party support in the Scottish Parliament; I also note that MSPs during Stage 1 of the Bill have asked questions about how the Bill will work with reserved legislation.

Our shared commitment to protecting children is not in doubt but I am sure you would agree that we also have a responsibility as lawmakers to pass legislation that is clear and unambiguous. It is from this perspective that I should be grateful if the Scottish Government could look again at specific elements of the Bill to ensure a lack of clarity does not undermine our shared objectives.

We are both anxious to ensure the respective competences of our parliaments are well understood. Co-operation between us is vital to serving all Scotland's, and indeed the UK's, children but that work is easier if we are clear about where administrative and legal boundaries lie. I am open to exploring any avenue to provide clarity and a solid basis for co-operation but, until we can resolve those issues I request that an amendment is made to the Bill at Stage 3 of its passage to make it clear that section 6 does not apply to Ministers of the Crown when exercising reserved functions in Scotland. This would be helpful for stakeholders so they know where the Bill applies.

I would also request that the Scottish Government table an amendment that makes it clear that Westminster legislation is removed from the scope of sections 19-21.

Making these amendments will ensure that there is full legal clarity as a sound basis for joint working. I understand my officials have already highlighted these high-level concerns to your officials and I should like to see these conversations continue. I would be happy to meet you to discuss further.

Yours sincerely,
Alister

**THE RT HON. ALISTER JACK MP
SECRETARY OF STATE FOR SCOTLAND**