

Children's Wellbeing and Schools Bill

AMENDMENT

TO BE MOVED

IN COMMITTEE OF THE WHOLE HOUSE

[Supplementary to the Second Marshalled List]

After Clause 62

LORD BANNER

BARONESS HALE OF RICHMOND

After Clause 62, insert the following new Clause—

“Duty on public authorities

- (1) A public authority must, in the exercise of a relevant function, have due regard to the desirability of exercising that function in a way that is consistent with the UNCRC requirements.
- (2) The Secretary of State may by regulations make provision about how a public authority is to comply with the duty under subsection (1) (including provision about things that the authority may, must or must not do to comply with the duty).
- (3) A court or tribunal is exempt from subsection (1).
- (4) The Secretary of State may, by regulations, exempt from the duty in subsection (1)—
 - (a) a public authority, or
 - (b) a relevant function.
- (5) The power under subsection (4) may only be exercised if the Secretary of State is satisfied that the duty under subsection (1) should not apply to a public authority or a relevant function because it will not result in any adverse impacts on the wellbeing and safety of children.
- (6) Regulations made under subsections (2) and (4) are to be made by statutory instrument and may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (7) A power to make regulations under this section includes the power to make—
 - (a) consequential, incidental, supplementary, transitional or saving provision;

- (b) different provision for different purposes.
- (8) The Secretary of State must –
 - (a) on or before 31 January 2026, and
 - (b) at or before the end of each successive period of five years,publish a report on how the Government has complied with the duty under this section.
- (9) The Government must lay before Parliament a copy of each report published under subsection (8).
- (10) For the purposes of this section –
 - “public authority” has, subject to the specific provision made above about courts and tribunals, the same meaning as in section 6 of the Human Rights Act 1998;
 - “relevant function” means a function exercised under this Act.
- (11) In this section –
 - “the Convention” means the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989;
 - “the UNCRC requirements” means the rights and obligations from the Convention, and the articles of the first optional protocol and the second optional protocol as referred to above.
- (12) The UNCRC requirements have effect for the purposes of this Act subject to any reservations, objections or interpretative declarations by the United Kingdom as may be in force from time to time.”

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29 May 2025

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