

SCOTTISH COMMISSION FOR HUMAN RIGHTS ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Monitoring of law, policies and practices

17. The Commission is empowered by section 4 to review any area of the law of Scotland and the policies and practices of any Scottish public authorities. This function allows a process of reviewing and reporting, and the Commission is free to choose which issues it examines, provided that those issues are within its remit. The term ‘Scottish public authority’ is defined in Section 19.
18. **Section 4** also empowers the Commission to recommend changes to the law and to the policies and practices of public authorities. These recommendations are not legally binding and there is no obligation upon public authorities to seek guidance from the Commission, nor is there any compulsion upon public authorities to implement the Commission’s recommendations.
19. Subsection (2) requires the Commission to consult the Scottish Law Commission before undertaking any such review of the law.