

UK Parliament Acts/H/HU-HZ/Human Rights Act 1998 (1998 c 42)/6 Acts of public authorities

Public authorities

6 Acts of public authorities

- (1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
- (2) Subsection (1) does not apply to an act if—
 - (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
 - (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.
- (3) In this section “public authority” includes—
 - (a) a court or tribunal, and
 - (b) any person certain of whose functions are functions of a public nature,but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (4) . . .
- (5) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private.
- (6) “An act” includes a failure to act but does not include a failure to—
 - (a) introduce in, or lay before, Parliament a proposal for legislation; or
 - (b) make any primary legislation or remedial order.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 22(3).

Appointment

Appointment: 2 October 2000: see [SI 2000/1851, art 2](#).

Amendment

Sub-s (4): repealed by the [Constitutional Reform Act 2005, ss 40\(4\), 146, Sch 9, Pt 1, para 66\(1\), \(4\), Sch 18, Pt 5](#).

Date in force: 1 October 2009: see [SI 2009/1604, art 2\(d\)](#).

See Further

See further: the [Direct Payments to Farmers \(Legislative Continuity\) Act 2020, s 2\(8\)](#).

Document information

Human Rights Act 1998

Date made
09/11/1998