

## Human Rights Act 1998 c. 42

### s. 6 Acts of public authorities.



Law In Force

Version 2 of 2

1 October 2009 - Present

#### Subjects

Human rights

#### Keywords

Declarations of incompatibility; Human rights; 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.

[...] <sup>1</sup>

- (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.

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### Notes

1 Repealed by Constitutional Reform Act 2005 c. 4 [Sch.18\(5\) para.1](#) (October 1, 2009)

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*Public authorities > s. 6 Acts of public authorities.*

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