



# Human Rights Act 1998

## 1998 CHAPTER 42

### *Public authorities*

#### **7 Proceedings.**

- (1) A person who claims that a public authority has acted (or proposes to act) in a way which is made unlawful by section 6(1) may—
  - (a) bring proceedings against the authority under this Act in the appropriate court or tribunal, or
  - (b) rely on the Convention right or rights concerned in any legal proceedings, but only if he is (or would be) a victim of the unlawful act.
- (2) In subsection (1)(a) “appropriate court or tribunal” means such court or tribunal as may be determined in accordance with rules; and proceedings against an authority include a counterclaim or similar proceeding.
- (3) If the proceedings are brought on an application for judicial review, the applicant is to be taken to have a sufficient interest in relation to the unlawful act only if he is, or would be, a victim of that act.
- (4) If the proceedings are made by way of a petition for judicial review in Scotland, the applicant shall be taken to have title and interest to sue in relation to the unlawful act only if he is, or would be, a victim of that act.
- (5) Proceedings under subsection (1)(a) must be brought before the end of—
  - (a) the period of one year beginning with the date on which the act complained of took place; or
  - (b) such longer period as the court or tribunal considers equitable having regard to all the circumstances,but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.
- (6) In subsection (1)(b) “legal proceedings” includes—
  - (a) proceedings brought by or at the instigation of a public authority; and
  - (b) an appeal against the decision of a court or tribunal.

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*Changes to legislation: There are currently no known outstanding effects for the Human Rights Act 1998, Section 7. (See end of Document for details)*

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- (7) For the purposes of this section, a person is a victim of an unlawful act only if he would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (8) Nothing in this Act creates a criminal offence.
- (9) In this section “rules” means—
- (a) in relation to proceedings before a court or tribunal outside Scotland, rules made by <sup>F1</sup>. . . [<sup>F2</sup>the Lord Chancellor or] the Secretary of State for the purposes of this section or rules of court,
  - (b) in relation to proceedings before a court or tribunal in Scotland, rules made by the Secretary of State for those purposes,
  - (c) in relation to proceedings before a tribunal in Northern Ireland—
    - (i) which deals with transferred matters; and
    - (ii) for which no rules made under paragraph (a) are in force,
 rules made by a Northern Ireland department for those purposes,
- and includes provision made by order under section 1 of the <sup>M1</sup>Courts and Legal Services Act 1990.
- (10) In making rules, regard must be had to section 9.
- (11) The Minister who has power to make rules in relation to a particular tribunal may, to the extent he considers it necessary to ensure that the tribunal can provide an appropriate remedy in relation to an act (or proposed act) of a public authority which is (or would be) unlawful as a result of section 6(1), by order add to—
- (a) the relief or remedies which the tribunal may grant; or
  - (b) the grounds on which it may grant any of them.
- (12) An order made under subsection (11) may contain such incidental, supplemental, consequential or transitional provision as the Minister making it considers appropriate.
- (13) “The Minister” includes the Northern Ireland department concerned.

#### Textual Amendments

- F1** Words in s. 7(9)(a) repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S. I. 2003/1887\)](#), art. 9, **Sch. 2 para. 10(2)**
- F2** Words in s. 7(9)(a) inserted (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), art. 8, **Sch. para. 3**,

#### Modifications etc. (not altering text)

- C1** S. 7 amended (2.10.2000) by [Regulation of Investigatory Powers Act 2000 \(c. 23\)](#), ss. **65(2)(a)**, 83 (with s. 82(3); [S.I. 2000/2543](#), art. 3
- C2** S. 7: referred to (11.3.2005) by [Prevention of Terrorism Act 2005 \(c. 2\)](#), {s. 11(2)}
- C3** S. 7(9)(a): functions of the Secretary of State to be exercisable concurrently with the Lord Chancellor (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), art. **3(2)** (with arts. 4, 5)
- C4** S. 7(11): functions of the Secretary of State to be exercisable concurrently with the Lord Chancellor (12.1.2006) by [The Transfer of Functions \(Lord Chancellor and Secretary of State\) Order 2005 \(S.I. 2005/3429\)](#), art. **3(2)** (with arts. 4, 5)

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**Marginal Citations**

**M1** 1990 c. 41.

**Changes to legislation:**

There are currently no known outstanding effects for the Human Rights Act 1998, Section 7.