



Human Rights Act 1998

1998 CHAPTER 42

Introduction

2 Interpretation of Convention rights.

- (1) A court or tribunal determining a question which has arisen in connection with a Convention right must take into account any—
- judgment, decision, declaration or advisory opinion of the European Court of Human Rights,
 - opinion of the Commission given in a report adopted under Article 31 of the Convention,
 - decision of the Commission in connection with Article 26 or 27(2) of the Convention, or
 - decision of the Committee of Ministers taken under Article 46 of the Convention,
- whenever made or given, so far as, in the opinion of the court or tribunal, it is relevant to the proceedings in which that question has arisen.
- (2) Evidence of any judgment, decision, declaration or opinion of which account may have to be taken under this section is to be given in proceedings before any court or tribunal in such manner as may be provided by rules.
- (3) In this section “rules” means rules of court or, in the case of proceedings before a tribunal, rules made for the purposes of this section—
- by ^{F1}...^{F2}the Lord Chancellor or] the Secretary of State, in relation to any proceedings outside Scotland;
 - by the Secretary of State, in relation to proceedings in Scotland; or
 - by a Northern Ireland department, in relation to proceedings before a tribunal in Northern Ireland—
 - which deals with transferred matters; and
 - for which no rules made under paragraph (a) are in force.

***Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Human Rights Act 1998. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

Annotations:**Amendments (Textual)**

- F1** Words in s. 2(3)(a) repealed (19.8.2003) by [The Secretary of State for Constitutional Affairs Order 2003 \(S. I. 2003/1887\)](#), art. 9, **Sch. 2 para. 10(2)**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. 2(3)(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. 2\(3\)\(a\)](#): 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)

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Commencement Orders yet to be applied to the Human Rights Act 1998:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2009/1059](#) Order transitional provisions for effects of commencing SI 2009/812