



Human Rights Act 1998

1998 CHAPTER 42

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) In subsection (3) “Parliament” does not include the House of Lords in its judicial capacity.
- (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.

Status: Point in time view as at 06/04/2008. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects
for the Human Rights Act 1998, Section 6. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** S. 6(1) applied (2.10.2000) by 1999 c. 33, **ss. 65(2)**, 170(4); S.I. 2000/2444, **art. 2**, **Sch. 1** (subject to transitional provisions in **arts. 3, 4**, **Sch. 2**)
- C2** S. 6(3)(b) modified (1.12.2008 with exception in art. 2(2) of commencing S.I.) by **Health and Social Care Act 2008 (c. 14)**, **ss. 145(1)-(4)**, 170 (with s. 145(5)); S.I. 2008/2994, **art. 2(1)**

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