



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) ^{F1}
- (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.

***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- F1** S. 6(4) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 146, 148, Sch. 9 para. 66(4), [Sch. 18 Pt. 5](#); S.I. 2009/1604, [art. 2\(d\)\(f\)](#)

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\(1\)](#)

Changes to legislation:

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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