



# Human Rights Act 1998

## 1998 CHAPTER 42

### *Public authorities*

#### **9 Judicial acts**

- (1) Proceedings under section 7(1)(a) in respect of a judicial act may be brought only—
  - (a) by exercising a right of appeal;
  - (b) on an application (in Scotland a petition) for judicial review; or
  - (c) in such other forum as may be prescribed by rules.
- (2) That does not affect any rule of law which prevents a court from being the subject of judicial review.
- (3) In proceedings under this Act in respect of a judicial act done in good faith, damages may not be awarded otherwise than to compensate a person to the extent required by Article 5(5) of the Convention.
- (4) An award of damages permitted by subsection (3) is to be made against the Crown; but no award may be made unless the appropriate person, if not a party to the proceedings, is joined.
- (5) In this section—
  - “appropriate person” means the Minister responsible for the court concerned, or a person or government department nominated by him;
  - “court” includes a tribunal;
  - “judge” includes a member of a tribunal, a justice of the peace and a clerk or other officer entitled to exercise the jurisdiction of a court;
  - “judicial act” means a judicial act of a court and includes an act done on the instructions, or on behalf, of a judge; and
  - “rules” has the same meaning as in section 7(9).