
STATUTORY INSTRUMENTS

2009 No. 1380

The Scotland Act 1998 (Modification of Schedule 4) Order 2009

Limitation period for certain human rights proceedings brought by virtue of the Scotland Act 1998

2. In Schedule 4 to the Scotland Act 1998 (enactments etc. protected from modification), after paragraph 4 insert—

“**4A.**—(1) Paragraph 4 does not apply to prevent an Act of the Scottish Parliament modifying this Act to make provision requiring any proceedings to which this paragraph applies to be brought before the end of the relevant period.

(2) This paragraph applies to any proceedings against the Scottish Ministers or a member of the Scottish Executive that may, by virtue of this Act, be brought in any court or tribunal by any person (other than a person mentioned in sub-paragraph (3)) on the ground that an act of the Scottish Ministers or of a member of the Scottish Executive is incompatible with the Convention rights.

(3) This paragraph does not apply to proceedings brought by the Lord Advocate, the Advocate General, the Attorney General, the Attorney General for Northern Ireland or the Advocate General for Northern Ireland.

(4) In sub-paragraph (1) “relevant period” in relation to any proceedings to which this paragraph applies means—

- (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.

(5) An Act of the Scottish Parliament may provide for the provision mentioned in sub-paragraph (1) to have effect subject to any rule imposing a stricter time limit in relation to the procedure in question.

(6) In this paragraph “act” does not include the making of any legislation but it does include any other act or failure to act (including a failure to make legislation).”.