



# Convention Rights Proceedings (Amendment) (Scotland) Act 2009

## 2009 asp 11

**The Bill for this Act of the Scottish Parliament was passed by the Parliament on 18th June 2009 and received Royal Assent on 23rd July 2009**

An Act of the Scottish Parliament to amend the limitation period for bringing certain Convention rights proceedings by virtue of the Scotland Act 1998.

### **1 Limitation period for certain Convention rights proceedings**

- (1) Section 100 (human rights) of the Scotland Act 1998 (c. 46) is amended as follows.
- (2) After subsection (3) insert—
  - “(3A) Subsection (3B) applies to any proceedings brought on or after 2 November 2009 by virtue of this Act against the Scottish Ministers or a member of the Scottish Executive in a court or tribunal on the ground that an act of the Scottish Ministers or a member of the Scottish Executive is incompatible with the Convention rights.
  - (3B) Proceedings to which this subsection applies must be brought before the end of—
    - (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,but that is subject to any rule imposing a stricter time limit in relation to the procedure in question.
  - (3C) Subsection (3B) 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.
  - (3D) In subsections (3A) and (3B) “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).
  - (3E) The reference in subsection (3A) to proceedings brought on or after 2 November 2009 includes proceedings relating to an act done before that date.”
- (3) In subsection (4), at the beginning insert “Subject to subsection (3D),”.

**2 Commencement and short title**

- (1) This Act comes into force on the day after Royal Assent.
- (2) The short title of this Act is the Convention Rights Proceedings (Amendment) (Scotland) Act 2009.

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