

*These notes relate to the Convention Rights Proceedings (Amendment)
(Scotland) Act 2009 (asp 11) which received Royal Assent on 23 July 2009*

CONVENTION RIGHTS PROCEEDINGS (AMENDMENT) (SCOTLAND) ACT 2009

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1 – Limitation period for certain Convention rights proceedings

8. This section amends section 100 of the Scotland Act by inserting new subsections (3A) to (3E). Subsection (3A) explains what proceedings the time limit applies to. Subsection (3B) defines the time limit.
9. Subsection (3C) provides that the time limit does not apply to proceedings brought by the Law Officers. Subsection (3D) defines the word “act”. In terms of subsection (3A), the time limit will apply to proceedings premised on the ground that an “act” is incompatible with the Convention rights. As it is defined by subsection (3D) “act” does not include making legislation, therefore the time limit will not apply to proceedings challenging the Convention compatibility of subordinate legislation made by the Scottish Government. Subsection (3E) puts beyond doubt that the time limit will apply to proceedings brought on or after 2 November 2009, even if the act complained of took place before that date.