



Human Rights Act 1998

1998 CHAPTER 42

Derogations and reservations

14 Derogations.

- (1) In this Act “designated derogation” means—
 - (a) the United Kingdom’s derogation from Article 5(3) of the Convention; and
 - (b) any derogation by the United Kingdom from an Article of the Convention, or of any protocol to the Convention, which is designated for the purposes of this Act in an order made by the Secretary of State.
- (2) The derogation referred to in subsection (1)(a) is set out in Part I of Schedule 3.
- (3) If a designated derogation is amended or replaced it ceases to be a designated derogation.
- (4) But subsection (3) does not prevent the Secretary of State from exercising his power under subsection (1)(b) to make a fresh designation order in respect of the Article concerned.
- (5) The Secretary of State must by order make such amendments to Schedule 3 as he considers appropriate to reflect—
 - (a) any designation order; or
 - (b) the effect of subsection (3).
- (6) A designation order may be made in anticipation of the making by the United Kingdom of a proposed derogation.

15 Reservations.

- (1) In this Act “designated reservation” means—
 - (a) the United Kingdom’s reservation to Article 2 of the First Protocol to the Convention; and

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- (b) any other reservation by the United Kingdom to an Article of the Convention, or of any protocol to the Convention, which is designated for the purposes of this Act in an order made by the Secretary of State.
- (2) The text of the reservation referred to in subsection (1)(a) is set out in Part II of Schedule 3.
- (3) If a designated reservation is withdrawn wholly or in part it ceases to be a designated reservation.
- (4) But subsection (3) does not prevent the Secretary of State from exercising his power under subsection (1)(b) to make a fresh designation order in respect of the Article concerned.
- (5) The Secretary of State must by order make such amendments to this Act as he considers appropriate to reflect—
 - (a) any designation order; or
 - (b) the effect of subsection (3).

16 Period for which designated derogations have effect.

- (1) If it has not already been withdrawn by the United Kingdom, a designated derogation ceases to have effect for the purposes of this Act—
 - (a) in the case of the derogation referred to in section 14(1)(a), at the end of the period of five years beginning with the date on which section 1(2) came into force;
 - (b) in the case of any other derogation, at the end of the period of five years beginning with the date on which the order designating it was made.
- (2) At any time before the period—
 - (a) fixed by subsection (1)(a) or (b), or
 - (b) extended by an order under this subsection,
 comes to an end, the Secretary of State may by order extend it by a further period of five years.
- (3) An order under section 14(1)(b) ceases to have effect at the end of the period for consideration, unless a resolution has been passed by each House approving the order.
- (4) Subsection (3) does not affect—
 - (a) anything done in reliance on the order; or
 - (b) the power to make a fresh order under section 14(1)(b).
- (5) In subsection (3) “period for consideration” means the period of forty days beginning with the day on which the order was made.
- (6) In calculating the period for consideration, no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued; or
 - (b) both Houses are adjourned for more than four days.
- (7) If a designated derogation is withdrawn by the United Kingdom, the Secretary of State must by order make such amendments to this Act as he considers are required to reflect that withdrawal.

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17 Periodic review of designated reservations.

- (1) The appropriate Minister must review the designated reservation referred to in section 15(1)(a)—
 - (a) before the end of the period of five years beginning with the date on which section 1(2) came into force; and
 - (b) if that designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).
- (2) The appropriate Minister must review each of the other designated reservations (if any)—
 - (a) before the end of the period of five years beginning with the date on which the order designating the reservation first came into force; and
 - (b) if the designation is still in force, before the end of the period of five years beginning with the date on which the last report relating to it was laid under subsection (3).
- (3) The Minister conducting a review under this section must prepare a report on the result of the review and lay a copy of it before each House of Parliament.

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