



# 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.