



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VII

#### HUMAN RIGHTS AND EQUAL OPPORTUNITIES

##### *Human rights*

#### **71 Restrictions on application of rights.**

- (1) Nothing in [<sup>F1</sup>section 6(2)(c) or 24(1)(a)] shall enable a person—
- (a) to bring any proceedings in a court or tribunal on the ground that any legislation or act is incompatible with the Convention rights; or
  - (b) to rely on any of the Convention rights in any such proceedings,
- unless he would be a victim for the purposes of article 34 of the Convention if proceedings in respect of the legislation or act were brought in the European Court of Human Rights.
- (2) Subsection (1) does not apply to the Attorney General, the Attorney General for Northern Ireland, the Advocate General for Scotland or the Lord Advocate.

[<sup>F2</sup>(2A) Subsection (1) does not apply to the Commission.

- (2B) In relation to the Commission's instituting, or intervening in, human rights proceedings—
- (a) the Commission need not be a victim or potential victim of the unlawful act to which the proceedings relate,
  - (b) section 7(3) and (4) of the Human Rights Act 1998 (c. 42) (breach of Convention rights: sufficient interest, &c.) shall not apply,
  - (c) the Commission may act only if there is or would be one or more victims of the unlawful act, and
  - (d) no award of damages may be made to the Commission (whether or not the exception in section 8(3) of that Act applies).

(2C) For the purposes of subsection (2B)—

*Status: Point in time view as at 01/08/2007. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 71. (See end of Document for details)*

- (a) “human rights proceedings” means proceedings which rely (wholly or partly) on—
- (i) section 7(1)(b) of the Human Rights Act 1998, or
  - (ii) section 69(5)(b) of this Act, and
- (b) an expression used in subsection (2B) and in section 7 of the Human Rights Act 1998 has the same meaning in subsection (2B) as in section 7.]
- (3) Section 6(2)(c)—
- (a) does not apply to a provision of an Act of the Assembly if the passing of the Act is, by virtue of subsection (2) of section 6 of the <sup>M1</sup>Human Rights Act 1998, not unlawful under subsection (1) of that section; and
  - (b) does not enable a court or tribunal to award in respect of the passing of an Act of the Assembly any damages which it could not award on finding the passing of the Act unlawful under that subsection.
- (4) Section 24(1)(a)—
- (a) does not apply to an act which, by virtue of subsection (2) of section 6 of the Human Rights Act 1998, is not unlawful under subsection (1) of that section; and
  - (b) does not enable a court or tribunal to award in respect of an act any damages which it could not award on finding the act unlawful under that subsection.
- (5) In this section “the Convention” has the same meaning as in the Human Rights Act 1998.

#### Textual Amendments

- F1** Words in s. 71(1) substituted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 14(1), 53; S.I. 2007/2045, art. 2(2)(3)(j) (with art. 3)
- F2** S. 71(2A)-(2C) inserted (1.8.2007) by Justice and Security (Northern Ireland) Act 2007 (c. 6), ss. 14(2), 53; S.I. 2007/2045, art. 2(2)(3)(j) (with art. 3)

#### Commencement Information

- I1** S. 71 fully in force; s. 71 not in force at Royal Assent see s. 101(3); s. 71(1) in force for specified purposes at 1.6.1999 by S.I. 1999/340, art. 2(5), Sch. Pt. 4; s. 71(2)(5) in force at 1.6.1999 by S.I. 1999/340, art. 2(5), Sch. Pt. 4; s. 71(3)(4) in force and s. 71(1) in force insofar as not already in force at 2.12.1999 by S.I. 1999/3209, art. 2, Sch.

#### Marginal Citations

- M1** 1998 c.42.

**Status:**

Point in time view as at 01/08/2007. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 71.