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STATUTORY INSTRUMENTS

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**2005 No. 1071**

**HUMAN RIGHTS**

**The Human Rights Act 1998 (Amendment) Order 2005**

*Made* - - - - *3rd April 2005*  
*Laid before Parliament* *4th April 2005*  
*Coming into force* - - *8th April 2005*

Whereas the United Kingdom has withdrawn its derogation, designated by the Human Rights Act 1998 (Designated Derogation) Order 2001(1), from Article 5(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 16(7) of the Human Rights Act 1998(2) hereby makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Human Rights Act 1998 (Amendment) Order 2005, and shall come into force on 8th April 2005.

**Amendment to Schedule 3 to the Act**

2. Part I of Schedule 3 to the Human Rights Act 1998(3) is repealed.

3rd April 2005

*Falconer of Thoroton, C*

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(1) S.I. [2001/3644](#).

(2) [1998 c. 42](#). Section 16(7) was amended by article 8 of, and paragraph 7 of Schedule 2 to, the Transfer of Functions (Miscellaneous) Order 2001, S.I. [2001/3500](#), to reflect the transfer of the relevant functions of the Secretary of State to the Lord Chancellor made by article 3 of, and paragraph 5 of Schedule 1 to, that Order. The Lord Chancellor's functions under section 16(7) were then transferred to the Secretary of State by article 4 of, and Schedule 1 to, the Secretary of State for Constitutional Affairs Order 2003, S.I. [2003/1887](#), and section 16(7) was amended by Schedule 2, paragraph 10 to that Order to refer to the Secretary of State, in place of the Lord Chancellor.

(3) Part I of Schedule 3 was repealed by S.I. [2001/1216](#), and a new Part I inserted by S.I. [2001/4032](#).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends Schedule 3 to the Human Rights Act 1998 to reflect the withdrawal by the United Kingdom of the derogation designated by the Human Rights Act 1998 (Designated Derogation) Order 2001 (S.I.2001/3644) (“the derogation”). The derogation was from Article 5(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, agreed by the Council of Europe at Rome on 4th November 1950 (“the Convention”). The derogation concerned detention provisions in the Anti-terrorism, Crime and Security Act 2001 (c. 24). Those detention provisions were repealed with effect from 14th March 2005 by section 16(2)(a) of the Prevention of Terrorism Act 2005 (c. 2). On 16th March 2005, the United Kingdom Government informed the Secretary General of the Council of Europe, pursuant to Article 15(3) of the Convention, of the withdrawal of the derogation.