

Draft Order laid before Parliament under paragraph 2(a) of Schedule 2 to the Human Rights Act 1998 (c. 42) for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2019 No.

HUMAN RIGHTS

The Human Rights Act 1998 (Remedial) Order 2019

Made - - - - *******

Coming into force in accordance with article 1

It appears to the Secretary of State, following a finding of the European Court of Human Rights in proceedings against the United Kingdom⁽¹⁾, that section 9 of the Human Rights Act 1998⁽²⁾ is incompatible with an obligation of the United Kingdom arising from the Convention⁽³⁾.

The Secretary of State considers that there are compelling reasons for proceeding by way of a remedial order⁽⁴⁾ to make such amendments to section 9 of the Human Rights Act 1998 as the Secretary of State considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of that Schedule.

Accordingly, the Secretary of State makes the following Order, in exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a) and (b), (2) and (3) of Schedule 2 to, the Human Rights Act 1998.

Citation and commencement

- 1.—(1) This Order may be cited as the Human Rights Act 1998 (Remedial) Order 2019.
- (2) This Order comes into force on the day after the day on which it is made.

Amendment of the Human Rights Act 1998

- 2.—(1) In section 9 of the Human Rights Act 1998 (judicial acts), for subsection (3), substitute—

(1) *Hammerton v United Kingdom* (Application no. 6287/10), 17 March 2016.
(2) 1998 c. 42. Section 9(5) has been amended by section 10(6) of, and paragraph 39 of Schedule 4 to, the Justice (Northern Ireland) Act 2002 (c. 26).
(3) See section 21(1) of the Human Rights Act 1998 for the meaning of “the Convention”.
(4) See section 21(1) of the Human Rights Act 1998 for the definition of “remedial order”.