Draft Order laid before Parliament under section 20(4) of the Human Rights Act 1998, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2004 No. XXX

HUMAN RIGHTS

The Human Rights Act 1998 (Amendment) Order 2004

Made - - - - 2004

Coming into force in accordance with article 1

Whereas the United Kingdom ratified Protocol No 13 to the Convention for the Protection of Human Rights and Fundamental Freedoms(**1**), concerning the abolition of the death penalty in all circumstances, on 10th October 2003, and that Protocol(**2**) came into force in relation to the United Kingdom on 1st February 2004;

And whereas a draft of this Order has been approved by each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 1(4) of the Human Rights Act 1998(**3**), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Human Rights Act 1998 (Amendment) Order 2004, and shall come into force on the day after the date on which it is made.

Amendments to the Human Rights Act 1998

2.—(1) In section 1(1)(c) (the Convention rights) of the Human Rights Act 1998 ("the Act"), for "Articles 1 and 2 of the Sixth Protocol" substitute "Article 1 of the Thirteenth Protocol".

(2) In section 21(1) (interpretation) of the Act omit the definition of "the Sixth Protocol" and insert after the definition of "the Eleventh Protocol"—

> ""the Thirteenth Protocol" means the protocol to the Convention (concerning the abolition of the death penalty in all circumstances) agreed at Vilnius on 3rd May 2002;"

(**1**) Commonly known as the European Convention on Human Rights.
(**2**) Cm 5795.
(**3**) 1998 c. 42. Section 1(4) 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 1 of the Human Rights Act 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 1 was amended by Schedule 2, paragraph 10 to that Order to refer to the Secretary of State, in place of the Lord Chancellor.