



Government of Wales Act 1998

1998 CHAPTER 38

PART V

OTHER PROVISIONS ABOUT THE ASSEMBLY

Community law, human rights and international obligations

107 Human rights

- (1) The Assembly has no power—
 - (a) to make, confirm or approve any subordinate legislation, or
 - (b) to do any other act,so far as the subordinate legislation or act is incompatible with any of the Convention rights.
- (2) Subsection (1) does not enable a person—
 - (a) to bring any proceedings in a court or tribunal, or
 - (b) to rely on any of the Convention rights in any such proceedings,in respect of an act unless he would be a victim for the purposes of Article 34 of the Convention if proceedings were brought in the European Court of Human Rights in respect of that act.
- (3) Subsection (2) does not apply to the Attorney General, the Assembly, the Advocate General for Scotland or the Attorney General for Northern Ireland.
- (4) Subsection (1)—
 - (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.

Status: This is the original version (as it was originally enacted).

- (5) In this Act “the Convention rights” has the same meaning as in the Human Rights Act 1998 and in subsection (2) “the Convention” has the same meaning as in that Act.