
Status: Point in time view as at 20/12/2001.

Changes to legislation: There are currently no known outstanding effects for the Human Rights Act 1998. (See end of Document for details)

SCHEDULES

SCHEDULE 3

DEROGATION AND RESERVATION

[^{F1}PART I

DEROGATION]

Textual Amendments

F1 Sch. 3 Pt. I inserted (20.12.2001) by S.I. 2001/4032, art. 2, Sch.

United Kingdom's derogation from Article 5(1)

Derogation under Article 15 of the Convention

The Government has considered whether the exercise of the extended power to detain contained in the Anti-terrorism, Crime and Security Act 2001 may be inconsistent with the obligations under Article 5(1) of the Convention. As indicated above, there may be cases where, notwithstanding a continuing intention to remove or deport a person who is being detained, it is not possible to say that “action is being taken with a view to deportation” within the meaning of Article 5(1)(f) as interpreted by the Court in the *Chahal* case. To the extent, therefore, that the exercise of the extended power may be inconsistent with the United Kingdom’s obligations under Article 5(1), the Government has decided to avail itself of the right of derogation conferred by Article 15(1) of the Convention and will continue to do so until further notice.

Status:

Point in time view as at 20/12/2001.

Changes to legislation:

There are currently no known outstanding effects for the Human Rights Act 1998.