



Human Rights Act 1998

1998 CHAPTER 42

Legislation

5 Right of Crown to intervene.

- (1) Where a court is considering whether to make a declaration of incompatibility, the Crown is entitled to notice in accordance with rules of court.
- (2) In any case to which subsection (1) applies—
 - (a) a Minister of the Crown (or a person nominated by him),
 - (b) a member of the Scottish Executive,
 - (c) a Northern Ireland Minister,
 - (d) a Northern Ireland department,is entitled, on giving notice in accordance with rules of court, to be joined as a party to the proceedings.
- (3) Notice under subsection (2) may be given at any time during the proceedings.
- (4) A person who has been made a party to criminal proceedings (other than in Scotland) as the result of a notice under subsection (2) may, with leave, appeal to the [^{F1}Supreme Court] against any declaration of incompatibility made in the proceedings.
- (5) In subsection (4)—

“criminal proceedings” includes all proceedings before the [^{F2}Court Martial Appeal Court]; and

“leave” means leave granted by the court making the declaration of incompatibility or by the [^{F3}Supreme Court]

Textual Amendments

- F1** Words in s. 5(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 40, 148, Sch. 9 para. 66\(3\)](#); S.I. 2009/1604, art. 2(d)

Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.

*Changes to legislation: There are currently no known outstanding effects
for the Human Rights Act 1998, Section 5. (See end of Document for details)*

- F2** Words in s. 5(5) substituted (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 157](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)
- F3** Words in s. 5(5) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 148, [Sch. 9 para. 66\(3\)](#); S.I. 2009/1604, [art. 2\(d\)](#)

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