



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VII

#### HUMAN RIGHTS AND EQUAL OPPORTUNITIES

##### *Human rights*

#### **71 Restrictions on application of rights.**

- (1) Nothing in [<sup>F1</sup>section 6(2)(c) or 24(1)(a)] shall enable a person—
- (a) to bring any proceedings in a court or tribunal on the ground that any legislation or act is incompatible with the Convention rights; or
  - (b) to rely on any of the Convention rights in any such proceedings,
- unless he would be a victim for the purposes of article 34 of the Convention if proceedings in respect of the legislation or act were brought in the European Court of Human Rights.
- (2) Subsection (1) does not apply to the Attorney General, [<sup>F2</sup>the Advocate General for Northern Ireland,] the Attorney General for Northern Ireland, the Advocate General for Scotland or the Lord Advocate.

[<sup>F3</sup>(2A) Subsection (1) does not apply to the Commission.

- (2B) In relation to the Commission's instituting, or intervening in, [<sup>F4</sup>proceedings which rely on section 7(1)(b) of the Human Rights Act 1998]—
- (a) the Commission need not be a victim or potential victim of the unlawful act to which the proceedings relate,
  - (b) section 7(3) and (4) of the Human Rights Act 1998 (c. 42) (breach of Convention rights: sufficient interest, &c.) shall not apply,
  - (c) the Commission may act only if there is or would be one or more victims of the unlawful act, and
  - (d) no award of damages may be made to the Commission (whether or not the exception in section 8(3) of that Act applies).

---

*Changes to legislation: There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 71. (See end of Document for details)*

---

(2C) For the purposes of subsection (2B)—

- <sup>F5</sup>(a) .....
- (b) an expression used in subsection (2B) and in section 7 of the Human Rights Act 1998 has the same meaning in subsection (2B) as in section 7.]

(3) Section 6(2)(c)—

- (a) does not apply to a provision of an Act of the Assembly if the passing of the Act is, by virtue of subsection (2) of section 6 of the <sup>M1</sup>Human Rights Act 1998, not unlawful under subsection (1) of that section; and
- (b) does not enable a court or tribunal to award in respect of the passing of an Act of the Assembly any damages which it could not award on finding the passing of the Act unlawful under that subsection.

(4) Section 24(1)(a)—

- (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.

(5) In this section “the Convention” has the same meaning as in the Human Rights Act 1998.

#### Textual Amendments

- F1** Words in s. 71(1) substituted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 14\(1\), 53; S.I. 2007/2045, art. 2\(2\)\(3\)\(j\)](#) (with art. 3)
- F2** Words in s. 71(2) inserted (12.4.2010) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), s. 87\(1\), Sch. 7 para. 5; S.R. 2010/113, art. 2, Sch. para. 19\(a\)](#)
- F3** S. 71(2A)-(2C) inserted (1.8.2007) by [Justice and Security \(Northern Ireland\) Act 2007 \(c. 6\), ss. 14\(2\), 53; S.I. 2007/2045, art. 2\(2\)\(3\)\(j\)](#) (with art. 3)
- F4** Words in s. 71(2B) substituted (23.3.2020, 19.5.2020 in so far as not already in force) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 3 para. 5\(a\)](#) (with s. 38(3)); S.I. 2020/317, reg. 4; S.I. 2020/518, reg. 2(k)
- F5** S. 71(2C)(a) and word omitted (23.3.2020, 19.5.2020 in so far as not already in force) by virtue of [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 3 para. 5\(b\)](#) (with s. 38(3)); S.I. 2020/317, reg. 4; S.I. 2020/518, reg. 2(k)

#### Commencement Information

- I1** S. 71 fully in force; s. 71 not in force at Royal Assent see s. 101(3); s. 71(1) in force for specified purposes at 1.6.1999 by [S.I. 1999/340, art. 2\(5\), Sch. Pt. 4](#); s. 71(2)(5) in force at 1.6.1999 by [S.I. 1999/340, art. 2\(5\), Sch. Pt. 4](#); s. 71(3)(4) in force and s. 71(1) in force insofar as not already in force at 2.12.1999 by [S.I. 1999/3209, art. 2, Sch.](#)

#### Marginal Citations

- M1** 1998 c.42.

**Changes to legislation:**

There are currently no known outstanding effects for the Northern Ireland Act 1998, Section 71.