



Human Rights Act 1998

1998 CHAPTER 42

Public authorities

6 Acts of public authorities.

- (1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
- (2) Subsection (1) does not apply to an act if—
 - (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
 - (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.
- (3) In this section “public authority” includes—
 - (a) a court or tribunal, and
 - (b) any person certain of whose functions are functions of a public nature, but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (4) ^{F1}
- (5) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private.
- (6) “An act” includes a failure to act but does not include a failure to—
 - (a) introduce in, or lay before, Parliament a proposal for legislation; or
 - (b) make any primary legislation or remedial order.

Textual Amendments

F1 S. 6(4) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 40, 146, 148, Sch. 9 para. 66(4), [Sch. 18 Pt. 5](#); [S.I. 2009/1604](#), [art. 2\(d\)\(f\)](#)

Changes to legislation: There are currently no known outstanding effects for the Human Rights Act 1998, Section 6. (See end of Document for details)

Modifications etc. (not altering text)

- C1** S. 6 excluded (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), **ss. 8(3)(b)**, 57(1); S.I. 2015/481, reg. 2(a)
- C2** S. 6(1) applied (2.10.2000) by 1999 c. 33, **ss. 65(2)**, 170(4); S.I. 2000/2444, art. 2, **Sch. 1** (subject to transitional provisions in arts. 3, 4, **Sch. 2**)
- C3** S. 6(3)(b) modified (1.12.2008 with exception in art. 2(2) of commencing S.I.) by [Health and Social Care Act 2008 \(c. 14\)](#), **ss. 145(1)-(4)**, 170 (with s. 145(5)); S.I. 2008/2994, **art. 2(1)**
- C4** S. 6(3)(b) applied (1.4.2015) by [Care Act 2014 \(c. 23\)](#), **s. 73(2)(3)**127; S.I. 2015/993, art. 2(r) (with transitional provisions in S.I. 2015/995)

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