



# Human Rights Act 1998

## 1998 CHAPTER 42

### *Public authorities*

#### **9 Judicial acts.**

- (1) Proceedings under section 7(1)(a) in respect of a judicial act may be brought only—
  - (a) by exercising a right of appeal;
  - (b) on an application (in Scotland a petition) for judicial review; or
  - (c) in such other forum as may be prescribed by rules.
- (2) That does not affect any rule of law which prevents a court from being the subject of judicial review.
- [<sup>F1</sup>(3) In proceedings under this Act in respect of a judicial act done in good faith, damages may not be awarded otherwise than—
  - (a) to compensate a person to the extent required by Article 5(5) of the Convention, or
  - (b) to compensate a person for a judicial act that is incompatible with Article 6 of the Convention in circumstances where the person is detained and, but for the incompatibility, the person would not have been detained or would not have been detained for so long.]
  - (4) An award of damages permitted by subsection (3) is to be made against the Crown; but no award may be made unless the appropriate person, if not a party to the proceedings, is joined.
  - (5) In this section—

“appropriate person” means the Minister responsible for the court concerned, or a person or government department nominated by him;

“court” includes a tribunal;

“judge” includes a member of a tribunal, a justice of the peace [<sup>F2</sup>(or, in Northern Ireland, a lay magistrate)] and a clerk or other officer entitled to exercise the jurisdiction of a court;

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**Changes to legislation:** There are currently no known outstanding effects for the Human Rights Act 1998, Section 9. (See end of Document for details)

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“judicial act” means a judicial act of a court and includes an act done on the instructions, or on behalf, of a judge; and

“rules” has the same meaning as in section 7(9).

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**Textual Amendments**

- F1** S. 9(3) substituted (21.10.2020) by [The Human Rights Act 1998 \(Remedial\) Order 2020 \(S.I. 2020/1160\)](#), arts. 1(2), **2(1)** (with art. 2(2))
- F2** Words in definition s. 9(5) inserted (N.I.)(1.4.2005) by [2002 c. 26, s. 10\(6\), Sch. 4 para. 39; S.R. 2005/109](#), **art. 2** Sch.

**Changes to legislation:**

There are currently no known outstanding effects for the Human Rights Act 1998, Section 9.