

*These notes refer to the Scotland Act 2012 (c.11)  
which received Royal Assent on 1st May 2012*

## SCOTLAND ACT 2012

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### EXPLANATORY NOTES

#### COMMENTARY ON SECTIONS (AND SCHEDULES)

##### **Part 2: Ministers and Their Powers**

##### ***Section 14: Time limit for human rights actions against Scottish Ministers etc***

52. This section inserts a time limit for actions against the Scottish Ministers under the 1998 Act where it is claimed that they have acted incompatibly with Convention rights.
53. In the *Somerville* case in 2007, the House of Lords held, in relation to breaches of Convention rights by Scottish Ministers under the 1998 Act, that actions for such breaches were not subject to the same statutory time limit of twelve months as the Human Rights Act. As a result, there was no time limit on when proceedings could be brought against Scottish Ministers.
54. In response to this, the Scotland Act 1998 (Modification of Schedule 4) Order 2009 ([S.I. 2009/1380](#)) was made. This enabled the Scottish Parliament to pass the [Convention Rights Proceedings \(Amendment\) \(Scotland\) Act 2009 \(asp 11\)](#), giving a time limit to proceedings brought against Scottish Ministers. But this was appropriate only as a temporary solution. *Subsection (6)* makes essentially the same amendment as was made by the 2009 Act of the Scottish Parliament. Accordingly, the 2009 Order is revoked and the Act of the Scottish Parliament is repealed (see *subsections (2) to (4)*).