



# Northern Ireland Act 1998

## 1998 CHAPTER 47

### PART VII

#### HUMAN RIGHTS AND EQUAL OPPORTUNITIES

##### *Human rights*

#### **68 The Northern Ireland Human Rights Commission**

- (1) There shall be a body corporate to be known as the Northern Ireland Human Rights Commission.
- (2) The Commission shall consist of a Chief Commissioner and other Commissioners appointed by the Secretary of State.
- (3) In making appointments under this section, the Secretary of State shall as far as practicable secure that the Commissioners, as a group, are representative of the community in Northern Ireland.
- (4) Schedule 7 (which makes supplementary provision about the Commission) shall have effect.

#### **69 The Commission's functions**

- (1) The Commission shall keep under review the adequacy and effectiveness in Northern Ireland of law and practice relating to the protection of human rights.
- (2) The Commission shall, before the end of the period of two years beginning with the commencement of this section, make to the Secretary of State such recommendations as it thinks fit for improving—
  - (a) its effectiveness;
  - (b) the adequacy and effectiveness of the functions conferred on it by this Part; and
  - (c) the adequacy and effectiveness of the provisions of this Part relating to it.

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- (3) The Commission shall advise the Secretary of State and the Executive Committee of the Assembly of legislative and other measures which ought to be taken to protect human rights—
  - (a) as soon as reasonably practicable after receipt of a general or specific request for advice; and
  - (b) on such other occasions as the Commission thinks appropriate.
- (4) The Commission shall advise the Assembly whether a Bill is compatible with human rights—
  - (a) as soon as reasonably practicable after receipt of a request for advice; and
  - (b) on such other occasions as the Commission thinks appropriate.
- (5) The Commission may—
  - (a) give assistance to individuals in accordance with section 70; and
  - (b) bring proceedings involving law or practice relating to the protection of human rights.
- (6) The Commission shall promote understanding and awareness of the importance of human rights in Northern Ireland; and for this purpose it may undertake, commission or provide financial or other assistance for—
  - (a) research; and
  - (b) educational activities.
- (7) The Secretary of State shall request the Commission to provide advice of the kind referred to in paragraph 4 of the Human Rights section of the Belfast Agreement.
- (8) For the purpose of exercising its functions under this section the Commission may conduct such investigations as it considers necessary or expedient.
- (9) The Commission may decide to publish its advice and the outcome of its research and investigations.
- (10) The Commission shall do all that it can to ensure the establishment of the committee referred to in paragraph 10 of that section of that Agreement.
- (11) In this section—
  - (a) a reference to the Assembly includes a reference to a committee of the Assembly;
  - (b) “human rights” includes the Convention rights.

## **70 Assistance by Commission**

- (1) This section applies to—
  - (a) proceedings involving law or practice relating to the protection of human rights which a person in Northern Ireland has commenced, or wishes to commence; or
  - (b) proceedings in the course of which such a person relies, or wishes to rely, on such law or practice.
- (2) Where the person applies to the Northern Ireland Human Rights Commission for assistance in relation to proceedings to which this section applies, the Commission may grant the application on any of the following grounds—
  - (a) that the case raises a question of principle;

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- (b) that it would be unreasonable to expect the person to deal with the case without assistance because of its complexity, or because of the person's position in relation to another person involved, or for some other reason;
  - (c) that there are other special circumstances which make it appropriate for the Commission to provide assistance.
- (3) Where the Commission grants an application under subsection (2) it may—
- (a) provide, or arrange for the provision of, legal advice;
  - (b) arrange for the provision of legal representation;
  - (c) provide any other assistance which it thinks appropriate.
- (4) Arrangements made by the Commission for the provision of assistance to a person may include provision for recovery of expenses from the person in certain circumstances.

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

- (1) Nothing in section 6(2)(c), 24(1)(a) or 69(5)(b) 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, the Attorney General for Northern Ireland, the Advocate General for Scotland or the Lord Advocate.
- (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 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.

## **72 Standing Advisory Commission on Human Rights: dissolution**

- (1) The Standing Advisory Commission on Human Rights is hereby dissolved.
- (2) The Secretary of State may by order make such supplemental, incidental or consequential provision as appears to him to be appropriate as a result of subsection (1).

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- (3) In particular, an order may include provision—
- (a) amending an enactment;
  - (b) for the transfer of rights and liabilities;
  - (c) for payments into the Consolidated Fund or to a specified person.