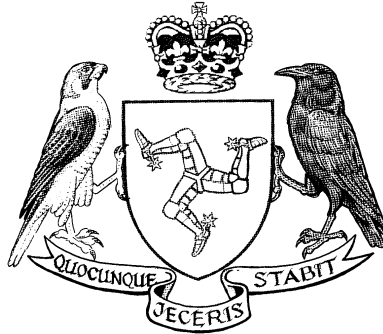


# **HUMAN RIGHTS (AMENDMENT) ACT 2010**

## **Arrangement of Sections**

### Section

1. Short title
2. Amendment of the Human Rights Act 2001
3. Sections 9A and 9B inserted (remedial orders)
4. Section 13 amended (definition of “designated derogation”)
5. Section 14 amended (withdrawal of derogations and reservations)
6. Section 17 amended (orders)
7. Schedule 2 repealed (the 1988 derogation)



Isle of Man } Signed in Tynwald: 13th July 2010  
 to Wit } Received Royal Assent: 13th July 2010  
 Announced to Tynwald: 13th July 2010

## AN ACT

to amend the Human Rights Act 2001 in respect of remedial orders and derogations.

**B**E IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

1. The short title of this Act is the Human Rights (Amendment) Act 2010. Short title

2. The Human Rights Act 2001 is amended as follows.

Amendment  
of the Human  
Rights Act 2001  
[c.1]  
Sections 9A  
and 9B inserted  
(remedial orders)

3. After section 9 insert —

“Remedial orders **9A.** (1) This section applies if —

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(a) a provision of an Act of Tynwald or a public document has been declared under section 4 to be incompatible with a Convention right and, if an appeal lies —

- (i) all persons who may appeal have stated in writing that they do not intend to do so;
- (ii) the time for bringing an appeal has expired and no appeal has been brought within that time; or
- (iii) an appeal brought within that time has been determined or abandoned; or

- (b) it appears to the Council of Ministers, having regard to a finding of the European Court of Human Rights made after the coming into operation of this section in proceedings against the United Kingdom in a case relating to the Island that a provision of an Act of Tynwald or a public document is incompatible with an obligation of the Island arising from the Convention.

(2) If the Council of Ministers considers that there are compelling reasons for proceeding under this section, it may by order make such amendments to the Act of Tynwald or public document as it considers necessary to remove the incompatibility.

(3) If, in the case of a public document, the Council of Ministers considers —

- (a) that it is necessary to amend the Act of Tynwald under which the public document in question was made, in order to enable the incompatibility to be removed; and
- (b) that there are compelling reasons for proceeding under this section,

it may by order make such amendments to the Act of Tynwald as it considers necessary.

Remedial  
orders —  
further  
provisions

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Sch 2

**9B.** (1) A remedial order may —

- (a) contain such incidental, supplemental, consequential or transitional provision as the Council of Ministers considers appropriate;
- (b) be made so as to have effect from a date earlier than that on which it is made;
- (c) make provision for the delegation of specific functions;
- (d) make different provision for different cases.

(2) The power conferred by subsection (1)(a) includes —

- (a) power to amend an Act of Tynwald (including Acts of Tynwald other than that which contains the incompatible provision); and

(b) power to amend or revoke a public document (including public documents other than that which contains the incompatible provision).

(3) No person is to be guilty of an offence solely as a result of the retrospective effect of a remedial order.

(4) No remedial order may be made unless a draft of the order has been approved by Tynwald at the sitting at which it is laid or at the next following sitting.

(5) In this section “remedial order” means an order under section 9A.”.

4. For section 13(1), substitute —

“(1) In this Act, “designated derogation” means any derogation from an Article of the Convention, or of any protocol to the Convention, which is designated for the purposes of this Act in an order made by the Council of Ministers.”.

Section 13  
amended  
(definition of  
“designated  
derogation”)

5. In section 14(1)(b), for “amended or replaced” substitute “amended, replaced or withdrawn”.

Section 14  
amended  
(withdrawal  
of derogations)

6. In section 17(3) for “section 23(2)” substitute “section 9A or 23(2)”.

Section 17  
amended (orders)

7. Schedule 2 is repealed.

Schedule 2  
repealed (the  
1988 derogation)