3. The Human Rights Act 1998 (HRA)

Each Concentrate revision guide is packed with essential information, key cases, revision tips, exam Q&As, and more. Concentrates show you what to expect in a law exam, what examiners are looking for, and how to achieve extra marks. This chapter focuses on the Human Rights Act 1998 (HRA), which was introduced to allow individuals to argue cases involving rights contained in the European Convention on Human Rights (ECHR) directly before a UK court. It first explains the background and rationale underlying the HRA, focusing on the arguments for and against a Human Rights Act, as well as the human rights that are covered and not covered by the HRA. The chapter then discusses the judicial powers/duties and remedies under the HRA, along with powers of derogation and reservation, with an emphasis on ECtHR case law, the interpretation clause, and declarations of incompatibility with the Convention rights. In addition, it examines the HRA’s use of proportionality and judicial deference doctrines when deciding whether an act by a public authority is
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incompatible with a Convention right. The chapter concludes by assessing the future of the HRA.

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