This chapter considers the European Convention on Human Rights (ECHR) and its relationship to the English legal system. As an international treaty the ECHR is not part of UK law unless it is incorporated into the law. By the Human Rights Act 1998 Convention Rights are incorporated into UK law. By the Human Rights Act 1998 the courts are able to interpret legislation under s.3 to achieve compatibility with the ECHR but are not empowered to strike down legislation incompatible with the Convention. This preserves parliamentary sovereignty. The courts may give a declaration of incompatibility. The UK courts are not bound by decisions of the European Court of Human Rights but must take such decisions into account. It is unlawful for a public authority to act incompatibly with Convention Rights.
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