



HUMAN RIGHTS ACT 2001

HUMAN RIGHTS ACT 2001 (13th PROTOCOL) ORDER 2004

Approved by Tynwald

Coming into operation in accordance with Article 1

In exercise of the powers conferred on the Council of Ministers by Section 1(4) of the Human Rights Act 2001^(a), and of all other enabling powers, the following Order is hereby made : –

Citation and commencement

1. This Order may be cited as the Human Rights Act 2001 (13th Protocol) Order 2004, and shall come into force on the day on which it is made.

Amendment of the Act

2. In the Human Rights Act 2001 –

(a) for section 1(b) substitute –

“(b) Article 1 of the 13th Protocol;”;

(b) in section 19, the definition of “the 6th Protocol” is repealed;

(c) in section 19, after the definition of “the 11th Protocol” insert –

“ “13th Protocol” means the protocol to the Convention (concerning the abolition of the death penalty in all circumstances) agreed at Vilnius on 3rd May 2002;”;

^(a) 2001 c.1

(d) for Part II of Schedule 1, substitute –

“ PART II
13th PROTOCOL
Article 1
Abolition of the death penalty

The death penalty shall be abolished. No-one shall be condemned to such penalty or executed.”.

Made

20th August

2004.


Deputy
Chief Secretary

EXPLANATORY NOTE
(This is not part of the Order)

This Order is made under section 1(4) of the Human Rights Act 2001, which is one of the sections brought into force by the Human Rights Act 2001 (Appointed Day) (No. 1) Order 2001 to allow certain subordinate legislation to be made under the Act.

The Order is made to amend the Human Rights Act 2001 following the ratification by the United Kingdom on behalf of the Island of the 13th Protocol to the European Convention on Human Rights. The Protocol came into force in relation to the Isle of Man with effect from 1st August 2004.

The 13th Protocol abolishes the death penalty in all circumstances. It supersedes the 6th Protocol to the Convention, which abolished the death penalty in most circumstances, but permitted States to make provision in their law for the death penalty in respect of act committed in time of war or of imminent threat of war. No change to Manx legislation to permit the 13th Protocol to be extended to the Island was required as the Death Penalty Abolition Act 1993 contains no exception in relation to acts committed in time of war or of imminent threat of war.