

ST.HELENA



**ENGLISH LAW (APPLICATION) ORDINANCE, 2005**

***ENGLISH LAW (HUMAN RIGHTS ACT) ORDER, 2010***

In exercise of the powers conferred by section 5 of the English Law (Application) Ordinance, 2005, the Governor in Council makes the following Order:

**Citation**

1. This Order may be cited as the English Law (Human Rights Act) Order, 2010.

**Human Rights Act, 1998**

2. The Human Rights Act 1998 (an enactment of the Parliament of the United Kingdom) is hereby declared to be unsuitable to local circumstances and is accordingly excepted from the provisions of section 3 of the Ordinance by the proviso thereto.

Made by the Governor in Council this 7<sup>th</sup> day of January, 2010.

G M Benjamin  
Clerk of Councils

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**Explanatory Note**

*(This note is not part of the Order)*

Prior to the commencement of the St. Helena, Ascension and Tristan da Cunha Constitution Order 2009, conflicting opinions were expressed as to the application of the UK Human Rights Act to St. Helena. In view of the inclusion of comprehensive human rights provisions in the Constitution, this Order removes any doubt as to the applicability of the UK Act (and any resulting confusion or ambiguity as to its relationship to the Constitution) by expressly declaring it to be unsuitable to local circumstances. The Order will not take effect until ratified by a resolution of the Legislative Council.