THE BACKGROUND TO THE ECHR
• UK one of the first countries to ratify, but did not give it effect on domestic law as the UK considered that the freedoms enshrined in it were already protected at Common Law
• ECHR is a treaty between countries
• Therefore, because of doctrine of parliamentary supremacy: Not enforceable in domestic law unless UK parliament makes it so
• In 1996 UK allowed individuals to petition the ECtHR

THE HUMAN RIGHTS ACT 1998
• Labour 1997 manifesto commitment to give some effect in domestic law to ECHR, so individuals could enforce rights in UK courts
• HRA does not 'incorporate' the ECHR
• Rather it defines most of the ECHR rights as 'convention rights'
• Then gives Convention rights special status in the UK law

QUESTION OF SUPREMACY
• Parliamentary supremacy means that nobody, not even the courts, can quash an Act of Parliament
• But this supremacy does not extend to delegated legislation

SUPREMACY AS BETWEEN DOMESTIC LAW AND EU LAW:
• EU law prevails over any inconsistent domestic law, including Acts of Parliament.
• Courts may disapply, not quash inconsistent domestic law

SUPREMACY AS BETWEEN DOMESTIC LAW AND ECHR:
• Domestic law prevails over any inconsistent provisions of Strasbourg jurisprudence (the ECHR and the case law of the ECtHR in Strasbourg).
• Note that the contrast between the supremacy of EU law and the non-supremacy of ECHR law is fundamental to the UK constitution.