



# *The Rule of Law and Constitutional Rights*



# Volume 1 – Contents

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# Bill of Rights [1688]

## 1688 CHAPTER 2 1 Will and Mar Sess 2

An Act declareing the Rights and Liberties of the Subject and Settling the Succession of the Crowne.

**X1** Whereas the Lords Spirituall and Temporall and Comons assembled at Westminster lawfully fully and freely representing all the Estates of the People of this Realme did upon the thirteenth day of February in the yeare of our Lord one thousand six hundred eighty eight present unto their Majesties then called and known by the Names and Stile of William and Mary Prince and Princesse of Orange being present in their proper Persons a certaine Declaration in Writeing made by the said Lords and Comons in the Words following viz

### **The Heads of Declaration of Lords and Commons, recited.**

Whereas the late King James the Second by the Assistance of diverse evill Councillors Judges and Ministers imployed by him did endeavour to subvert and extirpate the Protestant Religion and the Lawes and Liberties of this Kingdome.

### **Dispensing and Suspending Power.**

By Assumeing and Exercising a Power of Dispensing with and Suspending of Lawes and the Execution of Lawes without Consent of Parlyament.

### **Committing Prelates.**

By Committing and Prosecuting diverse Worthy Prelates for humbly Petitioning to be excused from Concurring to the said Assumed Power.

### **Ecclesiastical Commission.**

By issueing and causeing to be executed a Commission under the Great Seale for Erecting a Court called The Court of Commissioners for Ecclesiasticall Causes.

### **Levying Money.**

By Levying Money for and to the Use of the Crowne by pretence of Prerogative for other time and in other manner then the same was granted by Parlyament.

### **Standing Army.**

By raising and keeping a Standing Army within this Kingdome in time of Peace without Consent of Parlyament and Quartering Soldiers contrary to Law.

### **Disarming Protestants, &c.**

By causing severall good Subjects being Protestants to be disarmed at the same time when Papists were both Armed and Imployed contrary to Law.

### **Violating Elections.**

By Violating the Freedome of Election of Members to serve in Parlyament.

### **Illegal Prosecutions.**

By Prosecutions in the Court of Kings Bench for Matters and Causes cognizable onely in Parlyament and by diverse other Arbitrary and Illegal Courses.

### **Juries.**

And whereas of late yeares Partiall Corrupt and Unqualified Persons have beene returned and served on Juryes in Tryalls and particularly diverse Jurors in Tryalls for High Treason which were not Freeholders,

### **Excessive Bail.**

And excessive Baile hath beene required of Persons committed in Criminall Cases to elude the Benefitt of the Lawes made for the Liberty of the Subjects.

**Fines.**

And excessive Fines have been imposed.

**Punishments.**

And illegal and cruel Punishments inflicted.

**Grants of Fines, &c. before Conviction, &c.**

And severall Grants and Promises made of Fines and Forfeitures before any Conviction or Judgement against the Persons upon whom the same were to be levied. All which are utterly directly contrary to the knowne Lawes and Statutes and Freedome of this Realme.

**Recital that the late King James II. had abdicated the Government, and that the Throne was vacant, and that the Prince of Orange had written Letters to the Lords and Commons for the choosing Representatives in Parliament.**

And whereas the said late King James the Second having Abdicated the Government and the Throne being thereby Vacant His [X2Hignesse] the Prince of Orange (whome it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdome from Popery and Arbitrary Power) did (by the Advice of the Lords Spirituall and Temporall and diverse principall Persons of the Commons) cause Letters to be written to the Lords Spirituall and Temporall being Protestants and other Letters to the severall Countyes Cities Universities Burroughs and Cinque Ports for the Choosing of such Persons to represent them as were of right to be sent to Parlyament to meete and sitt at Westminster upon the two and twentieth day of January in this Yeare one thousand six hundred eighty and eight in order to such an Establishment as that their Religion Lawes and Liberties might not againe be in danger of being Subverted, Upon which Letters Elections having been accordingly made.

**The Subject's Rights.**

And thereupon the said Lords Spirituall and Temporall and Commons pursuant to their respective Letters and Elections being now assembled in a full and free Representative of this Nation taking into their most serious Consideration the best meanes for attaining the Ends aforesaid Doe in the first place (as their Auncestors in like Case have usually done) for the Vindicating and Asserting their antient Rights and Liberties, Declare

**Dispensing Power.**

That the pretended Power of Suspending of Laws or the Execution of Laws by Regall Authority without Consent of Parlyament is illegal.

**Late dispensing Power.**

That the pretended Power of Dispensing with Laws or the Execution of Laws by Regall Authoritie as it hath been assumed and exercised of late is illegal.

**Ecclesiastical Courts illegal.**

That the Commission for erecting the late Court of Commissioners for Ecclesiasticall Causes and all other Commissions and Courts of like nature are Illegal and Pernicious.

**Levying Money.**

That levying Money for or to the Use of the Crowne by pretence of Prerogative without Grant of Parlyament for longer time or in other manner then the same is or shall be granted is Illegal.

**Right to petition.**

That it is the Right of the Subjects to petition the King and all Commitments and Prosecutions for such Petitioning are Illegal.

**Standing Army.**

That the raising or keeping a standing Army within the Kingdome in time of Peace unlesse it be with Consent of Parlyament is against Law.

**Subjects' Arms.**

That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.

**Freedom of Election.**

That Election of Members of Parlyament ought to be free.

**Freedom of Speech.**

That the Freedom of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament.

**Excessive Bail.**

That excessive Baile ought not to be required nor excessive Fines imposed nor cruell and unusuall Punishments inflicted.

**Juries.**

That Jurors ought to be duely impannelled and returned . . . **E1**

**Grants of Forfeitures.**

That all Grants and Promises of Fines and Forfeitures of particular persons before Conviction are illegall and void.

**Frequent Parliaments.**

And that for Redresse of all Grievances and for the amending strengthening and preserveing of the Lawes Parlyaments ought to be held frequently.

**The said Rights claimed. Tender of the Crown. Regal Power exercised. Limitation of the Crown.**

And they doe Claime Demand and Insist upon all and singular the Premises as their undoubted Rights and Liberties and that noe Declarations Judgements Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example. To which Demand of their Rights they are particularly encouraged by the Declaration of this Highnesse the Prince of Orange as being the onely meanes for obtaining a full Redresse and Remedy therein. Haveing therefore an intire Confidence That his said Highnesse the Prince of Orange will perfect the Deliverance soe farr advanced by him and will still preserve them from the Violation of their Rights which they have here asserted and from all other Attempts upon their Religion Rights and Liberties. The said Lords Spirituall and Temporall and Commons assembled at Westminster doe Resolve That William and Mary Prince and Princesse of Orange be and be declared King and Queene of England France and Ireland and the Dominions thereunto belonging to hold the Crowne and Royall Dignity of the said Kingdomes and Dominions to them the said Prince and Princesse dureing their Lives and the Life of the Survivour of them And that the sole and full Exercise of the Regall Power be onely in and executed by the said Prince of Orange in the Names of the said Prince and Princesse dureing their joynt Lives And after their Deceases the said Crowne and Royall Dignitie of the said Kingdoms and Dominions to be to the Heires of the Body of the said Princesse And for default of such Issue to the Princesse Anne of Denmarke and the Heires of her Body And for default of such Issue to the Heires of the Body of the said Prince of Orange. And the Lords Spirituall and Temporall and Commons doe pray the said Prince and (**X3**) Princesse to accept the same accordingly.

**New Oaths of Allegiance, &c.**

And that the Oathes hereafter mentioned be taken by all Persons of whome the Oathes of Allegiance and Supremacy might be required by Law instead of them And that the said Oathes of Allegiance and Supremacy be abrogated.

**Allegiance.**

I A B doe sincerely promise and sweare That I will be faithfull and beare true Allegiance to their Majestyes King William and Queene Mary Soe helpe me God.

**Supremacy.**

I A B doe sweare That I doe from my Heart Abhorr, Detest and Abjure as Impious and Hereticall this damnable Doctrine and Position That Princes Excommunicated or Deprived by the Pope or any Authority of the See of Rome may be deposed or murdered by their Subjects or any other whatsoever. And I doe declare That noe Forreigne Prince Person Prelate, State or Potentate hath or ought to have any Jurisdiction Power Superiority Preeminence or Authoritie Ecclesiasticall or Spirituall within this Realme Soe helpe me God.

**Acceptance of the Crown. The Two Houses to sit. Subjects' Liberties to be allowed, and Ministers hereafter to serve according to the same. William and Mary declared King and Queen. Limitation of the Crown. Papists debarred the Crown. Every King, &c. shall make the Declaration of 30 Car. II. If under 12 Years old, to be done after Attainment thereof. King's and Queen's Assent**

Upon which their said Majestyes did accept the Crowne and Royall Dignitie of the Kingdoms of England France and Ireland and the Dominions thereunto belonging according to the Resolution and Desire of the said Lords and Commons contained in the said Declaration. And thereupon their Majestyes were pleased That the said Lords Spirituall and Temporall and Commons being the two Houses of Parlyament should continue to sitt and with their Majesties Royall Concurrence make effectuall Provision for the Settlement of the Religion Lawes and Liberties of this Kingdome soe that the same for the future might not be in danger againe of being subverted, To which the said Lords Spirituall and Temporall and Commons did agree and proceede to act accordingly. Now in pursuance of the Premisses the said Lords Spirituall and Temporall and Commons in Parlyament assembled for the ratifying confirming and establishing the said Declaration and the Articles Clauses Matters and Things therein contained by the Force of a Law made in due Forme by Authority of Parlyament doe pray that it may be declared and enacted That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true auntient and indubitable Rights and Liberties of the People of this Kingdome and soe shall be esteemed allowed adjudged deemed and taken to be and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said Declaration And all Officers and Ministers whatsoever shall serve their Majestyes and their Successors according to the same in all times to come. And the said Lords Spirituall and Temporall and Commons seriously considering how it hath pleased Almighty God in his marvellous Providence and mercifull Goodness to this Nation to provide and preserve their said Majestyes Royall Persons most happily to Raigne over us upon the Throne of their Auncestors for which they render unto him from the bottome of their Hearts their humblest Thanks and Praises doe truely firmly assuredly and in the Sincerity of their Hearts thinke and doe hereby recognize acknowledge and declare That King James the Second haveing abdicated the Government and their Majestyes haveing accepted the Crowne and Royall Dignity **[X4as]** aforesaid Their said Majestyes did become were are and of right ought to be by the Lawes of this Realme our Sovereigne Liege Lord and Lady King and Queene of England France and Ireland and the Dominions thereunto belonging in and to whose Princely Persons the Royall State Crowne and Dignity of the said Realmes with all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining are most fully rightfully and intirely invested and incorporated united and annexed And for preventing all Questions and Divisions in this Realme by reason of any pretended Titles to the Crowne and for preserving a Certainty in the Succession thereof in and upon which the Unity Peace Tranquillity and Safety of this Nation doth under God wholly consist and depend The said Lords Spirituall and Temporall and Commons doe beseech their Majestyes That it may be enacted established and declared That the Crowne and Regall Government of the said Kingdoms and Dominions with all and singular the Premisses thereunto belonging and appertaining shall bee and continue to their said Majestyes and the Survivour of them dureing their Lives and the Life of the Survivour of them And that the entire perfect and full Exercise of the Regall Power and Government be onely in and executed by his Majestie in the Names of both their Majestyes dureing their joynt Lives And after their deceases the said Crowne and Premisses shall be and remaine to the Heires of the Body of her Majestie and for default of such Issue to her Royall Highnesse the Princess Anne of Denmarke and the Heires of her Body and for default of such Issue to the Heires of the Body of his said Majestie And thereunto the said Lords Spirituall and Temporall and Commons doe in the Name of all the People aforesaid most humbly and faithfully submitt themselves their Heires and Posterities for ever and doe faithfully promise That they will stand to maintaine and defend their said Majesties and alsoe the Limitation and Succession of the Crowne herein specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt any thing to the contrary. And whereas it hath beene found by Experience that it is inconsistent with the Safety and Welfaire of this Protestant Kingdome to be governed by a Popish Prince **F2...** the said Lords Spirituall and Temporall and Commons doe further pray that it may be enacted That all and every person and persons that is are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall professe the Popish Religion **F3...** shall be excluded and be for ever uncapeable to inherit possesse or enjoy the Crowne and Government of this Realme and Ireland and the Dominions thereunto belonging or any part of the same or to have use or exercise any Regall Power Authoritie or Jurisdiction within the same **[X5And in all and every such Case or Cases the People of these Realmes shall be and are hereby absolved of their Allegiance]** And the said Crowne and Government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons soe reconciled holding Communion or Professing **F4...** as aforesaid were naturally dead **[X6And that every King and Queene of this Realme who at any time hereafter shall come to and succede in the Imperiall Crowne of this Kingdome shall on the first day of the meeting of the first Parlyament next after his or her coming to the Crowne sitting in his or her Throne in the House of Peeres in the presence of the Lords and Commons therein assembled or at his or her Coronation before such person or persons who shall administer the Coronation Oath to him or her at the time of his or her takeing the said Oath (which shall first happen) make subscribe and audibly repeate the Declaration mentioned in**

the Statute made in the thirtyeth yeare of the Raigne of King Charles the Second Entitled An Act for the more effectuall Preserving the Kings Person and Government by disabling Papists from sitting in either House of Parlyament But if it shall happen that such King or Queene upon his or her Succession to the Crowne of this Realme shall be under the Age of twelve yeares then every such King or Queene shall make subscribe and audibly repeate the said Declaration at his or her Coronation or the first day of the meeting of the first Parlyament as aforesaid which shall first happen after such King or Queene shall have attained the said Age of twelve yeares.】 All which Their Majestyes are contented and pleased shall be declared enacted and established by authoritie of this present Parliament and shall stand remaine and be the Law of this Realme for ever And the same are by their said Majesties by and with the advice and consent of the Lords Spirituall and Temporall and Commons in Parlyament assembled and by the authoritie of the same declared enacted and established accordingly

### Editorial Information

- X1** The Bill of Rights is assigned to the year 1688 on [legislation.gov.uk](http://legislation.gov.uk) (as it was previously in successive official editions of the revised statutes from which the online version is derived) although the Act received Royal Assent on 16th December 1689. This follows the practice adopted in *The Statutes of the Realm*, Vol. VI (1819), in the Chronological Table in that volume and all subsequent Chronological Tables of the Statutes, which attach all the Acts in 1 Will and Mar sess 2 to the year 1688. The first Parliament of William and Mary (the Convention Parliament) convened on 13th February 1689 (1688 in the old style calendar - until 1st Jan 1752 the calendar year began on March 25th). It appears that all the Acts of that Parliament (both sessions) were treated as being Acts of 1688 using the old method of reckoning, according to which, until 1793, all Acts passed in a session of Parliament with no specified commencement date were deemed to be passed in the year in which that session began (see Acts of Parliament (Commencement) Act 1793 (c 13)). [The Short Titles Act 1896 \(c. 14\)](#) gave to chapter 2 of 1 Will and Mar sess 2 the title "The Bill of Rights", without attributing it to any calendar year. In the Republic of Ireland, the Short Titles Act 1896 (c 14) has been amended to add "1688" to the short title of The Bill of Rights as it continues to have effect there (see Statute Law Revision Act 2007, Act of the Oireachtas No 28 of 2007, s 5(a)).
- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: Highnesse O. [O. refers to a collection in the library of Trinity College, Cambridge]
- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: and O. [O. refers to a collection in the library of Trinity College, Cambridge]
- X4** interlined on the Roll.
- X5** annexed to the Original Act in a separate Schedule.
- X6** annexed to the Original Act in a separate Schedule.

### Textual Amendments

- F1** Words repealed by (E.W.) [Juries Act 1825 \(c. 50\)](#), [s. 62](#) and (N.I.) [Statute Law Revision Act 1950 \(c. 6\)](#), [Sch. 1](#)
- F2** Words in s. 1 omitted (26.3.2015) by virtue of Succession to the [Crown Act 2013 \(c. 20\)](#), [s. 5](#), [Sch. para. 2\(a\)](#) (with [Sch. para. 5](#); [S.I. 2015/894](#), [art. 2](#))
- F3** Words in s. 1 omitted (26.3.2015) by virtue of Succession to the [Crown Act 2013 \(c. 20\)](#), [s. 5](#), [Sch. para. 2\(b\)](#) (with [Sch. para. 5](#); [S.I. 2015/894](#), [art. 2](#))
- F4** Words in s. 1 omitted (26.3.2015) by virtue of Succession to the [Crown Act 2013 \(c. 20\)](#), [s. 5](#), [Sch. para. 2\(c\)](#) (with [Sch. para. 5](#); [S.I. 2015/894](#), [art. 2](#))

### Modifications etc. (not altering text)

- C1** Short title "The Bill of Rights" given by [Short Titles Act 1896 \(c. 14\)](#), [Sch. 1](#)
- C2** Act declared to be a Statute by [Crown and Parliament Recognition Act 1689 \(c. 1\)](#)
- C3** S. 1 amended by [Accession Declaration Act 1910 \(c. 29\)](#), [s. 1](#)

# Claim of Right Act 1689

1689 c. 28

The Declaration of the Estates of the Kingdom of Scotland containing the Claim of Right and the offer of the Croune to the King and Queen of England.

Wheras King James the Seventh Being a profest papist did assume the Regall power and acted as King without ever takeing the oath required by law wherby the King at his access to the government is obliged to swear To maintain the protestant religion and to rule the people according to the laudable lawes And Did By the advyce of wicked and evill Counsellers Invade the fundamentall Constitution of this Kingdome And altered it from a legall limited monarchy to ane Arbitrary Despotick power and in a publick proclamation asserted ane absolute power to cass annull and dissable all the lawes particularly arrainging the lawes Establishing the protestant religion and did Exerce that power to the subversion of the protestant Religion and to the violation of the lawes and liberties of the Kingdome

## Modifications etc. (not altering text)

- C1 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 2](#)
- C2 This act is listed in 12mo edition as [1689 c. 13](#).

By Erecting publick schooles and societies of the Jesuites and not only allowing mass to be publickly said But also inverting protestant Chappells and Churches to publick Mass houses Contrair to the express lawes against saying and hearing of Mass

By allowing popish bookes to be printed and dispersed by a gift to a popish printer designeing him Printer to his Majesties househould Colledge and Chappell Contrair to the lawes

By takeing the children of Protestant Noblemen and gentlemen sending and keeping them abroad to be bred papists makeing great fonds and dotationes to popish schooles and Colledges abroad bestowing pensiones upon preists and perverting protestants from ther Religion by offers of places preferments and pensiones

By Dissarmeing protestants while at the same tyme he Employed papists in the places of greatest trust civil and military such as Chancellor Secretaries Privie Counsellors and Lords of Session thrusting out protestants to make roome for papists and Intrusting the forts and magazins of the Kingdome in ther hands

By Imposeing oathes Contrair to law

By Giveing gifts and grants for exacting money without consent of Parliament of Conventione of Estates

By levying or Keeping on foot a standing army in tyme of Peace without Consent of Parliament which army did exact localitie free and dry quarters

By Employing the officers of the army as Judges through the Kingdome and Imposeing them wher ther were heretable offices and jurisdictiones by whom many of the leidges were put to death summarly without legall tryall jury or record

By imposeing exorbitant fines to the value of the pairties Estates exacting extravagant Baile and disposing fines and forefaultors befor any proces or Conviction

By Imprisoning persones without expressing the reasons and delaying to put them to tryall

By Causeing persue and forefault severall persones upon stretches of old and obsolete lawes upon frivolous and weak pretences upon lame and defective probationes as particularly the late Earle of Argyle to the scandal and reproach of the justice of the Nacione

By Subverting the right of the Royal Burghs The third Estate of Parliament imposeing upon them not only magistrats But also the wholl toun Councill and Clerks contrary to their liberties and express chartours without the pretence either of sentence surrender or consent so that the Commissioners to Parliaments being chosen

by the magistrats and Councill The King might in effect alswell nominat that entire Estate of Parliament and many of the saids magistrats put in by him were avowed papists and the Burghes were forced to pay money for the letters Imposing these illegall magistrats and Councils upon them

By Sending letters to the chiefe Courts of Justice not only ordaining the Judges to stop and desist sine die to determine causes But also ordering and Commanding them how to proceed in cases depending befor them Contrair to the express lawes and by chainging the nature of the Judges gifts ad vitam aut culpam and giving them Commissions ad beneplacitum to dispose them to compliance with arbitrary Courses and turneing them out of their offices when they did not comply

By granting personall protectiones for civill Debts contrair to Law

All which are utterly and directly contrairy to the knoune lawes statutes and freedoms of this realme

Therfor the Estates of the kingdom of Scotland Find and Declaire That King James the Seventh being a profest papist Did assume the Regall power and acted as king without ever takeing the oath required by law and hath by the advyce of Evill and wicked Counsellors Invaded the fundamentall Constitution of the Kingdome and altered it from a legall limited monarchy To ane arbitrary despotick power and hath Exercised the same to the subversione of the protestant religion and the violation of the lawes and liberties of the Kingdome inverting all the Ends of Government wherby he hath forfaulted the right to the Croune and the throne is become vacant

And wheras His Royall Highness William then Prince of Orange now King of England whom it hath pleased Almighty God to make the glorious instrument of delyvering these Kingdomes from Popery and arbitrary power did By the advyce of severall Lords and Gentlemen of this Nation at London for the tyme call the Estates of this Kingdome to meet the fourteenth of March last In order to such an Establishment as that their Religion lawes and liberties might not be again in danger of being subverted And the saids Estates being now assembled in a full and free representative of this Nation Takeing to their most serious Consideratione the best meanes for attaining the ends aforesaid Do In the first place as their ancestors in the like cases have usually done for the vindicating and asserting their antient rights and liberties Declare

That by the law of this Kingdome no papist can be King or Queen of this realme nor bear any office whatsomever therin nor can any protestant successor exercise the regall power untill he or she swear the Coronation Oath

That all Proclamations asserting ane absolute power to Cass annull and Dissable lawes The Erecting Schools and Colledges for Jesuits The Inverting protestant Chappells and Churches to publick Mass houses and the allowing Mass to be said are Contrair to Law

That the allowing Popish bookes to be printed and Dispersed is Contrairy to law

That the takeing the children of Noblemen Gentlemen and others sending and Keeping them abroad to be bred papists The makeing fonds and Dotations to popish schooles and Colledges The Bestowing pensiones on preists and the perverting protestants from ther religion by offers of places preferments and pensiones are Contrary to law

That the Dissarming of protestants and Imploying papists in the places of greatest trust both Civil and military the thrusting out protestants to make roome for papists and the intrusting papists with the forts and magazines of the Kingdome are Contrary to Law

That the Imposing oathes without authority of Parliament is Contrair to law

That the giving gifts or grants for raiseing of money without the Consent of Parliament of Convention of Estates is Contrary to law

That the Imploying the officers of the army as Judges through the Kingdome or imposing them wher ther were heretable offices and Jurisdictiones and the putting the leidges to death summarly and without legall tryall jury or record are Contrary to Law

That the Imposing of extraordinary fynes The exacting of exorbitant Baile and the disposing of fynes and forefaultors befor sentence are Contrary to law

That the Imprisoning persones without expressing the reason therof and delaying to put them to tryall is contrary to law

That the causing persue and forefault persones upon stretches of old and obsolete lawes upon frivolous and weak pretences upon lame and defective probation as particularly the late Earle of Argyll are Contrary to law

That the nominating and Imposing the magistrats councils and clerks upon burghes contrary to ther liberties and express Chartors is Contrary to law

That the Sending letters to the courts of Justice Ordaining the Judges to stop or desist from determining Causes or ordaining them how to proceed in Causes depending befor them and the changinge the nature of the Judges gifts ad vitam aut culpam Into Commissions durante beneplacito are Contrary to law

That the granting personall protectiones for civil Debts is contrary to law

That the forcing the leidges to Depone against themselves in capitall Crymes however the punishment be restricted is Contrary to law

That the using torture without evidence or in ordinary Crymes is Contrary to law

That the Sending of ane army in ane hostile manner upon any pairt of the Kingdome in a peaceable tyme and Exacting of Locality and any manner of free quarters is Contrary to law

That the charginge of the leidges with lawborrowes at the Kings instance and the imposinge of bonds without the authority of Parliament and the suspending advocats from their Employment for not Compearing when such bonds were offered were Contrary to Law

That the putting of Garisones on privat mens houses in tyme of peace without their Consent or the authority of Parliament is Contrary to law

That the opinions of the Lords of Sessione in the two Cases following were Contrary to Law videlicet (1.) That the concealing the Demand of a Supply for a forefaulted persone altho not given is treason (2.) That persones refusing to discover what are their privat thoughts and judgements in relation to points of treason or others mens actions are guilty of treason

That the fyneing husbands for ther wives withdrawing from the church was Contrary to law

That Prelacy and the superiority of any office in the Church above presbyters is and hath been a great and insupportable greivance and trouble to this Nation and contrary to the Inclinationes of the generality of the people ever since the reformatione (they haveing reformed from popery by presbyters) and therfor ought to be abolished

That it is the right and priviledge of the subjects to protest for remeed of law to the King and Parliament against Sentences pronounced by the lords of Sessione Provydeing the samen Do not stop Execution of these sentences

That it is the right of the subjects to petition the King and that all Imprisonments and prosecutiones for such petitioning are Contrary to law

That for redress of all greivances and for the amending strenthneing and preserveing of the lawes Parliaments ought to be frequently called and allowed to sit and the freedom of speech and debate secured to the members

And they Doe Claim Demand and insist upon all and sundry the premisses as ther undoubted right and liberties And that no Declarationes Doeings or proceedings to the prejudice of the people in any of the said premisses ought in any wayes to be drawne hereafter in Consequence or Example But that all forefaultors fynes loss of offices Imprisonments Banishments pursuits persecutiones tortures and rigorous Executiones be Considered and the pairties læsed be redressed

To which Demand of ther rights and redressing of their greivances they are particularly Encouraged by his Majesty the King of England his Declaration for the Kingdome of Scotland of the day of October last as being the only means for obtaining a full redress and remedy therein

Haveing therfor ane entire confidence that his said Majesty the King of England will perfect the Delyverance so far advanced by him and will still preserve them from violation of their Rights which they have here asserted and from all other attempts upon their Religion lawes and liberties

The said Estates of the Kingdome of Scotland Doe resolve that William and Mary King and Queen of England France and Ireland Be and be Declared King and Queen of Scotland To hold the Crowne and Royall Dignity of the said Kingdome of Scotland To them the said King and Queen dureing ther lives and the longest liver of



them and that the sole and full exercise of the regall power be only in and Exercised by him the said King in the names of the said King and Queen Dureing ther joynt lives And after ther decease The said Croune and Royall Dignity of the said Kingdome to be to the heirs of the body of the said Queen which failing to the Princess Ann of Denmark and the heirs of her body which also failing to the heirs of the Body of the said William King of England

And they do Pray the said King and Queen of England to accept the same accordingly

And that the Oath hereafter mentioned by taken by all protestants of whom the oath of allegiance and any other oaths and Declarationes might be required by law instead of them And that the said oath of Allegiance and other oaths and Declarationes may be abrogated

I A : B : Do sincerly promise and swear That I will be faithfull and bear true allegiance to their Majesties King William and Queen Mary So help me God

# Crown and Parliament Recognition Act 1689

## 1689 CHAPTER 1 2 Will and Mar

An Act for Recognizing King William and Queene Mary and for avoiding all Questions touching the Acts made in the Parliament assembled at Westminster the thirteenth day of February one thousand six hundred eighty eight.

### Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

**King and Queen recognized. The Acts of the said Parliament were and are Laws and Statutes, and to be obeyed.**

Wee your Majestyes most humble and loyall Subjects the Lords Spirituall and (**X1**) Temporall and Commons in this present Parlyament assembled doe beseech your most excellent Majestyes that it may be published and declared in this High Court of Parlyament and enacted by authoritie of the same That we doe recognize and acknowledge your Majestyes were are and of Right ought to be by the Laws of this Realme our Sovereigne Liege Lord and Lady King and Queene of England France and Ireland and the Dominions thereunto belonging in and to whose Princely Persons the Royall State Crowne and Dignity of the said Realms with all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining are most fully rightfully and intireley invested and incorporated united and annexed. And for the avoiding of all Disputes and Questions concerning the Being and Authority of the late Parliament assembled at Westminster the thirteenth day of February one thousand six hundred eighty [**X2**eight] Wee doe most humbly beseech your Majestyes that it may be enacted And bee it enacted by the King and Queenes most excellent Majestyes by and with the advice and consent of the Lords Spirituall and Temporall and Commons in this present Parlyament assembled and by authoritie of the same That all and singular the Acts made and enacted in the said Parlyament were and are Laws and Statutes of this Kingdome and as such ought to be reputed taken and obeyed by all the People of this Kingdome.

### Editorial Information

- X1** Variant reading of the text noted in *The Statutes of the Realm* as follows: and O. [O. refers to a collection in the library of Trinity College, Cambridge]
- X2** interlined on the Roll.

**Recital of Stat. 1 W. & M. Sess. 2. c. 2. §2. and that the late Queen and Duke of Gloucester are dead; and that His Majesty had recommended from the Throne a further Provision for the Succession of the Crown in the Protestant Line. The Princess Sophia, Electress and Duchess Dowager of Hanover, Daughter of the late Queen of Bohemia, Daughter of King James the First, to inherit after the King and the Princess Anne, in Default of Issue of the said Princess and His Majesty, respectively and the Heirs of her Body, being Protestants.**

Whereas in the First Year of the Reign of Your Majesty and of our late most gracious Sovereign Lady Queen Mary (of blessed Memory) An Act of Parliament was made intituled [An Act for declaring the Rights and Liberties of the Subject and for settling the Succession of the Crown] wherein it was (amongst other things) enacted established and declared That the Crown and Regall Government of the Kingdoms of England France and Ireland and the Dominions thereunto belonging should be and continue to Your Majestie and the said late Queen during the joynt Lives of Your Majesty and the said Queen and to the Survivor And that after the Decease of Your Majesty and of the said Queen the said Crown and Regall Government should be and remain to the Heirs of the Body of the said late Queen And for Default of such Issue to Her Royall Highness the Princess Ann of Denmark and the Heirs of Her Body And for Default of such Issue to the Heirs of the Body of Your Majesty And it was thereby further enacted That all and every Person and Persons that then were or afterwards should be reconciled to or shall hold Communion with the See or Church of Rome or should professe the Popish Religion **F1**... should be excluded and are by that Act made for ever [**X1**incapable] to inherit possess or enjoy the Crown and Government of this Realm and Ireland and the Dominions thereunto belonging or any part of the same or to have use or exercise any regall Power Authority or Jurisdiction within the same And in all and every such Case and Cases the People of these Realms shall be and are thereby absolved of their Allegiance And that the said Crown and Government shall from time to time descend to and be enjoyed by such Person or Persons being Protestants as should have inherited and enjoyed the same in case the said Person or Persons so reconciled holding Communion professing **F1**... as aforesaid were naturally dead After the making of which Statute and the Settlement therein contained Your Majesties good Subjects who were restored to the full and free Possession and Enjoyment of their [**X2**Religion] Rights and Liberties by the Providence of God giving Success to Your Majesties just Undertakings and unwearied Endeavours for that Purpose had no greater temporall Felicity to hope or wish for then to see a Royall Progeny descending from Your Majesty to whom (under God) they owe their Tranquility and whose Ancestors have for many Years been principall Assertors of the reformed Religion and the Liberties of [**X2**Europe] and from our said most gracious Sovereign Lady whose Memory will always be precious to the Subjects of these Realms And it having since pleased Almighty God to take away our said Sovereign Lady and also the most hopefull Prince William Duke of Gloucester (the only surviving Issue of Her Royall Highness the Princess Ann of Denmark) to the unspeakable Grief and Sorrow of Your Majesty and Your said good Subjects who under such Losses being sensibly put in mind that it standeth wholly in the Pleasure of Almighty God to prolong the Lives of Your Majesty and of Her Royall Highness and to grant to Your Majesty or to Her Royall Highness such Issue as may be inheritable to the Crown and Regall Government aforesaid by the respective Limitations in the said recited Act contained doe constantly implore the Divine Mercy for those Blessings And Your Majesties said Subjects having Daily Experience of Your Royall Care and Concern for the present and future Welfare of these Kingdoms and particularly recommending from Your Throne a further Provision to be made for the Succession of the Crown in the Protestant Line for the Happiness of the Nation and the Security of our Religion And it being absolutely necessary for the Safety Peace and Quiet of this [**X2**Realm] to obviate all Doubts and Contentions in the same by reason of any pretended Titles to the [**X2**Crown] and to maintain a Certainty in the Succession thereof to which Your Subjects may safely have Recourse for their Protection in case the Limitations in the said recited [**X3**Act] should determine Therefore for a further Provision of the Succession of the Crown in the Protestant Line We Your Majesties most dutifull and Loyall Subjects the Lords Spirituall and Temporall and Commons in this present Parliament assembled do beseech Your Majesty that it may be enacted and declared and be it enacted and declared by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spirituall and Temporall and Comons in this present Parliament assembled and by the Authority of the same That the most Excellent Princess Sophia Electress and Dutches Dowager of Hannover Daughter of the most Excellent Princess Elizabeth late Queen of Bohemia Daughter of our late Sovereign Lord King James the First of happy Memory be and is hereby declared to be the next in Succession in the Protestant Line to the Imperiall Crown and Dignity of the [**X3**said] Realms of England France and Ireland with the Dominions and

Territories thereunto belonging after His Majesty and the Princess Ann of Denmark and in Default of Issue of the said Princess Ann and of His Majesty respectively and that from and after the Deceases of His said Majesty our now Sovereign Lord and of Her Royall Highness the Princess Ann of Denmark and for Default of Issue of the said Princess Ann and of His Majesty respectively the Crown and Regall Government of the said Kingdoms of England France and Ireland and of the Dominions thereunto belonging with the Royall State and Dignity of the said Realms and all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining shall be remain and continue to the said most Excellent Princess Sophia and the Heirs of Her Body being Protestants And thereunto the said Lords Spirituall and Temporall and Commons shall and will in the Name of all the People of this Realm most humbly and faithfully submit themselves their Heirs and Posterities and do faithfully promise That after the Deceases of His Majesty and Her Royall Highness and the failure of the Heirs of their respective Bodies to stand to maintain and defend the said Princess Sophia and the Heirs of Her Body being [~~X3~~Protestants] according to the Limitation and Succession of the Crown in this Act specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt any thing to the contrary.

#### Editorial Information

- [X1](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: incapable O. [O. refers to a collection in the library of Trinity College, Cambridge]
- [X2](#) interlined on the Roll
- [X3](#) interlined on the Roll

#### Textual Amendments

- [F1](#) Words in Preamble omitted (26.3.2015) by virtue of [Succession to the Crown Act 2013 \(c. 20\)](#), [s. 5\(2\)](#), [Sch. para. 3\(a\)](#) (with [Sch. para. 5](#)); [S.I. 2015/894](#), [art. 2](#)

#### Modifications etc. (not altering text)

- [C1](#) S. 1 amended by [His Majesty's Declaration of Abdication Act 1936 \(1 Edw. 8 & 1 Geo. 6 c. 3\)](#), [s. 1\(2\)](#)

**II The Persons inheritable by this Act, holding Communion with the Church of Rome, incapacitated as by the former Act; to take the Oath at their Coronation, according to Stat. 1 W. & M. c. 6.**

Provided always and it is hereby enacted That all and every Person and Persons who shall or may take or inherit the said Crown by vertue of the Limitation of this present Act and is are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion **F1**... shall be subject to such Incapacities as in such Case or Cases are by the said recited Act provided enacted and established And that every King and Queen of this Realm who shall come to and succeed in the Imperiall Crown of this Kingdom by vertue of this Act shall have the Coronation Oath administred to him her or them at their respective Coronations according to the Act of Parliament made in the First Year of the Reign of His Majesty and the said late Queen Mary intituled An Act for establishing the Coronation Oath and shall make subscribe and repeat the Declaration in the Act first above recited mentioned or referred to in the Manner and Form thereby prescribed

**Textual Amendments**

**F1** Words in s. 2 omitted (26.3.2015) by virtue of [Succession to the Crown Act 2013 \(c. 20\)](#), [s. 5\(2\)](#), [Sch. para. 3\(b\)](#) (with [Sch. para. 5](#)); [S.I. 2015/894](#), [art. 2](#)

**Modifications etc. (not altering text)**

**C1** S. 2 amended by [Accession Declaration Act 1910 \(c. 29\)](#), [s. 1](#)

# Union with England Act 1707

## 1707 c. 7

Act Ratifying and Approving the Treaty of Union of the Two Kingdoms of SCOTLAND and ENGLAND

The Estates of Parliament Considering that Articles of Union of the Kingdoms of Scotland and England were agreed on the twenty second of July One thousand seven hundred and six years by the Commissioners nominated on behalf of this Kingdom under Her Majesties Great Seal of Scotland bearing date the twenty seventh of February last past in pursuance of the fourth Act of the third Session of this Parliament and the Commissioners nominated on behalf of the Kingdom of England under Her Majesties Great Seal of England bearing date at Westminster the tenth day of April last past in pursuance of an Act of Parliament made in England the third year of Her Majesties Reign to treat of and concerning an Union of the said Kingdoms Which Articles were in all humility presented to Her Majesty upon the twenty third of the said Month of July and were Recommended to this Parliament by Her Majesties Royal Letter of the date the thirty one day of July One thousand seven hundred and six And that the said Estates of Parliament have agreed to and approven of the saids Articles of Union with some Additions and Explanations as is contained in the Articles hereafter insert And sicklyke Her Majesty with advice and consent of the Estates of Parliament Resolving to Establish the Protestant Religion and Presbyterian Church Government within this Kingdom has past in this Session of Parliament an Act entituled Act for secureing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof is appointed to be insert in any Act ratifying the Treaty and expressly declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming Therefore Her Majesty with advice and consent of the Estates of Parliament in fortification of the Approbation of the Articles as abovementioned And for their further and better Establishment of the same upon full and mature deliberation upon the forsaid Articles of Union and Act of Parliament Doth Ratifie Approve and Confirm the same with the Additions and Explanations contained in the saids Articles in manner and under the provision aftermentioned whereof the Tenor follows

### Modifications etc. (not altering text)

- C1 Act repealed so far as it ratifies part of art. 23 by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. III](#)  
Act amended (25.1.1999) by [1998 c. 46, s. 37](#); [S.I. 1998/3178, art. 2\(2\)](#), [Sch. 1](#)
- C2 Short title given by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 2](#)

I

That the Two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof and forever after be United into One Kingdom by the Name of Great Britain And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of St Andrew and St George be conjoined in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land

II

That the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be, remain and continue to the Most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of Her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof And in every such case the Crown and Government shall from time to time descend to and be enjoyed by such person being a Protestant as should

have inherited and enjoyed the same in case such Papists or person marrying a Papist was naturally dead according to the provision for the Descent of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entitled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown

### III

That the United Kingdom of Great Britain be Represented by one and the same Parliament to be stiled the Parliament of Great Britain

### IV

That all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherways expressly agreed in these Articles

### V ..... **F1**

#### Textual Amendments

**F1** [Arts. 5, 8](#) repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

### VI

That all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same Prohibitions Restrictions and Regulations of Trade and lyable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks Prohibitions Restrictions and Regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom . . . **F2**

#### Textual Amendments

**F2** Words repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

### VII

That all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all Exciseable Liquors . . . **F3**

#### Textual Amendments

**F3** Words repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

### VIII ..... **F4**

#### Textual Amendments

**F4** [Arts. 5, 8](#) repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

### IX ..... **F5**

### Textual Amendments

[F5](#) [Art. 9](#) repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

### X—XV. .... [F6](#)

### Textual Amendments

[F6](#) [Arts. 10](#)—15, 17 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

### XVI

That from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in England . . . [F7](#)

### Textual Amendments

[F7](#) Words repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

### XVII ..... [F8](#)

### Textual Amendments

[F8](#) [Arts. 10](#)—15, 17 repealed by [Statute Law Revision \(Scotland\) Act 1906 \(c. 38\)](#)

### XVIII

That the Laws concerning Regulation of Trade, Customs and such Excises to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland from and after the Union as in England and that all other Lawes in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain With this difference betwixt the Laws concerning publick Right, Policy and Civil Government and those which concern private Right That the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom but that no alteration be made in Laws which concern private Right except for evident utility of the subjects within Scotland

### XIX

That the Court of Session or Colledge of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain And that hereafter none shall be named by Her Majesty or Her Royal Successors to be Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principal Clerks of Session for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the said Office two years before he be named to be a Lord of the Session yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain And that the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kindom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of



Justiciary . . . **F9** And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheless as to the manner of Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the said Limits do remain subordinate as they are now to the Supream Courts of Justice within the same in all time coming And that no Causes in Scotland be cognoscible by the Courts of Chancery, Queens-Bench, Common-Pleas or any other Court in Westminster-hall And that the said Courts or any other of the like nature after the Unions shall have no power to Cognosce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same . . . **F9**

#### Textual Amendments

**F9** Words repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

#### Modifications etc. (not altering text)

**C3** Functions of Courts of Chancery, Queen's Bench and Common Pleas at Westminster now exercisable by High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), [s. 18\(2\)](#)

## XX

That all heritable Offices, Superiorities, heritable Jurisdictions, Offices for life and Jurisdictions for life be reserved to the Owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding of this Treaty

## XXI

That the Rights and Privileges of the Royall Burroughs in Scotland as they now are Do Remain entire after the Union and notwithstanding thereof

## XXII ..... **F10**

#### Textual Amendments

**F10** [Art. 22](#) repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

## XXIII

..... **F11** That all Peers of Scotland and their successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union and before all Peers of Great Britain of the like orders and degrees who may be created after the Union. ....  
..... **F12** and shall Enjoy all Privileges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same. .... **F11**

#### Textual Amendments

**F11** Words repealed by [Peerage Act 1963 \(c. 45\)](#), [Sch. 2](#)

**F12** Words repealed by virtue of repeal by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. III](#) of this Act so far as it ratifies those words

## XXIV

That from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom And that the Quartering the Arms and the Rank and

Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used and that a Seal in Scotland after the Union be alwayes kept and made use of in all things relating to private Rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices, Grants, Commissions and private Rights within that Kingdom And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now used in Scotland be Continued but that the said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parlaiment of Great Britain shall hereafter make And that the Crown, Scepter and Sword of State, the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kept as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union

## XXV

That all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms

FOLLOWS the Tenor of the foresaid Act for securing the Protestant Religion and Presbyterian Church Government

Our Sovereign Lady and the Estates of Parliament considering That by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided That the Commissioners for that Treaty should not Treat of or concerning any alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established Which Treaty being now reported to the Parliament and it being reasonable and necessary that the True Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with advice and consent of the said Estates of Parliament Doth hereby Establish and Confirm the said True Protestant Religion and the Worship Discipline and Government of this Church to continue without any alteration to the people of this Land in all succeeding generations And more especially Her Majesty with advice and consent foresaid Ratifies Approves and for ever Confirms the fifth Act of the first Parliament of King William and Queen Mary Entitled Act Ratifying the Confession of Faith and settling Presbyterian Church Government with the haill other Acts of Parliament relating thereto in prosecution of the Declaration of the Estates of this Kingdom containing the Claim of Right bearing date the eleventh of Aprile One thousand six hundred and eighty nine And Her Majesty with advice and consent foresaid expressly Provides and Declares That the foresaid True Protestant Religion contained in the above-mentioned Confession of Faith with the form and purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline that is to say the Government of the Church by Kirk Sessions, Presbyteries, Provincial Synods and Generall Assemblies all established by the forsaid Acts of Parliament pursuant to the Claim of Right shall Remain and Continue unalterable and that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the greater security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with advice and consent foresaid Statutes and Ordains That the Universities and Colledges of Saint Andrews Glasgow Aberdeen and Edinburgh as now Established by Law shall Continue within this Kingdom for ever . . . **F13** And further Her Majesty with advice foresaid expressly Declares and Statutes that none of the Subjects of this Kingdom shall be lyable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid True Protestant Religion and Presbyterian Church Government Worship and Discipline as above established And that the same within the bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And Lastly that after the Decease of Her Present Majesty (whom God long preserve) the Sovereign succeeding to her in the Royal Government of

the Kingdom of Great Britain shall in all time comeing at his or her accession to the Crown Swear and Subscribe That they shall inviolably maintain and preserve the foresaid settlement of the True Protestant Religion with the Government Worship Discipline Right and Priviledges of this Church as above established by the Laws of this Kingdom in prosecution of the Claim of Right And it is hereby Statute and Ordained That this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a fundamentall and essentiall Condition of any Treaty or Union to be Concluded betwixt the Two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be Insert and Repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the Two Kingdoms And that the same shall be therein expressly Declared to be a fundamentall and essentiall Condition of the said Treaty or Union in all time coming

WHICH ARTICLES OF UNION and Act immediately above-written Her Majesty with advice and consent foresaid Statutes Enacts and Ordains to be and Continue in all time coming the sure and perpetuall foundation of ane compleat and intire Union of the Two Kingdoms of Scotland and England under this express Condition and Provision That the Approbation and Ratification of the foresaids Articles and Act shall be nowayes binding on this Kingdom untill the said Articles and Act be Ratified Approven and Confirmed by Her Majesty with and by the Authority of the Parliament of England as they are now Agreed to Approved and Confirmed by Her Majestie with and by the Authority of the Parliament of Scotland Declaring nevertheless that the Parliament of England may provide for the security of the Church of England as they think expedient to take place within the bounds of the said Kingdom of England and not Derogating from the security above provided for Establishing of the Church of Scotland within the bounds of this Kingdom As also the said Parliament of England may extend the Additions and other provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not suspend or Derogate from the force and effect of this present Ratification But shall be understood as herein included without the necessity of any new Ratification in the Parliament of Scotland And lastly Her Majesty Enacts and Declares That all Laws and Statutes in this Kingdom so far as they are contrary to or inconsistent with the terms of these Articles as abovementioned shall from and after the Union cease and become void

#### Textual Amendments

**F13** Words repealed by [Statute Law Revision \(Scotland\) Act 1964 \(c. 80\)](#), [Sch. 1](#)

# Union with Scotland Act 1706

## 1706 CHAPTER 11 6 Ann

**X1** An Act for an Union of the Two Kingdoms of England and Scotland

Most gracious Sovereign

**Recital of Articles of Union, dated 22d July, 5 Ann.; and of an Act of Parliament passed in Scotland, 16th January, 5 Ann.**

Whereas Articles of Union were agreed on the Twenty Second day of July in the Fifth year of Your Majesties reign by the Commissioners nominated on behalf of the Kingdom of England under Your Majesties Great Seal of England bearing date at Westminster the Tenth day of April then last past in pursuance of an Act of Parliament made in England in the Third year of Your Majesties reign and the Commissioners nominated on the behalf of the Kingdom of Scotland under Your Majesties Great Seal of Scotland bearing date the Twenty Seventh day of February in the Fourth year of Your Majesties Reign in pursuance of the Fourth Act of the Third Session of the present Parliament of Scotland to treat of and concerning an Union of the said Kingdoms

And Whereas an Act hath passed in the Parliament of Scotland at Edinburgh the Sixteenth day of January in the Fifth year of Your Majesties reign wherein 'tis mentioned that the Estates of Parliament considering the said Articles of Union of the two Kingdoms had agreed to and approved of the said Articles of Union with some Additions and Explanations And that Your Majesty with Advice and Consent of the Estates of Parliament for establishing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland had passed in the same Session of Parliament an Act intituled Act for securing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof was appointed to be inserted in any Act ratifying the Treaty and expressly declared to be a fundamental and essential Condition of the said Treaty or Union in all times coming the Tenor of which Articles as ratified and approved of with Additions and Explanations by the said Act of Parliament of Scotland follows

### Editorial Information

**X1** This Act is Chapter VIII. 5 & 6 Ann. in the Common printed Editions

### Modifications etc. (not altering text)

**C1** Short Title given by [Short Titles Act 1896 \(c. 14\)](#)

**C2** Act amended (25.1.1999) by [1998 c. 46, s. 37](#); [S.I. 1998/3178, art. 2\(2\)](#), [Sch. 1](#)

## ARTICLE I.

### The Kingdoms United; Ensigns Armorial

That the two Kingdoms of England and Scotland shall upon the First day of May which shall be in the year One thousand seven hundred and seven and for ever after be united into one Kingdom by the name of Great Britain And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of St. George and St. Andrew be conjoynd in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land.

## ARTICLE II.

### Succession to the Monarchy.

That the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereto belonging after Her most Sacred Majesty and in default of Issue of Her Majesty be remain and continue to the most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the Twelfth year of the reign of His late Majesty King William the Third intituled an Act for the further Limitation of the Crown and better securing the rights and Liberites of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof and in every such Case the Crown and Government shall from time to time descend to and be enjoyed by such person being a Protestant as should have inherited and enjoyed the same in case such Papist or person marrying a Papist was naturally dead according to the Provision for the descent of the Crown of England made by another Act of Parliament in England in the first year of the reign of Their late Majesties King William and Queen Mary intituled an Act declaring the Rights and Liberites of the Subject and settling the Succession of the Crown.

## ARTICLE III.

### Parliament.

That the United Kingdom of Great Britain be represented by one and the same Parliament to be stiled The Parliament of Great Britain.

## ARTICLE IIII.

### Trade and Navigation and other Rights.

That all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwise expressly agreed in these Articles.

## F1ARTICLE V.

### Textual Amendments

F1 [Art. V](#) repealed by virtue of repeal by [Statute Law Revision Act 1867 \(c. 59\)](#) of s. IV of this Act so far as it ratifies those articles

.....F1

## ARTICLE VI.

### Regulations of Trade, Duties, &c.

That all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same prohibitions restrictions and regulations of Trade and liable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks prohibitions restrictions and regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom **F2**. . .

#### Textual Amendments

**F2** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#) and [Statute Law \(repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

## ARTICLE VII.

### Excise.

That all parts of the United Kingdom be for ever from and after the Union liable to the same Excise upon all exciseable Liquors **F3**. . .

#### Textual Amendments

**F3** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

## **F4**ARTICLE VIII-XV.

#### Textual Amendments

**F4** [Arts. VIII, X-XV](#) repealed by virtue of repeal by [Statute Law Revision Act 1867 \(c. 59\)](#) of s. IV of this Act so far as it retifies those articles; [art. IX](#) repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

.....**F4**

## ARTICLE XVI.

### Coin.

That from and after the Union the Coin shall be of the same Standard and value throughout the United Kingdom as now in England **F5**. . .

#### Textual Amendments

**F5** Words repealed by virtue of repeal by [Statute Law Revision Act 1867 \(c. 59\)](#) of s. 4 of this Act so far as it ratifies those words

## **F6ARTICLE XVII.**

### **Textual Amendments**

**F6** [Art. XVII](#) repealed by [Weights and Measures Act 1878 \(c. 49\)](#), [Sch. 6 Pt. I](#)

.....**F6**

## **ARTICLE XVIII.**

### **Laws concerning public rights. Private rights**

That the Laws concerning regulation of Trade Customs and such Excises to which Scotland is by virtue of this Treaty to be liable be the same in Scotland from and after the Union as in England and that all other Laws in use within the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain with this difference betwixt the Laws concerning publick right Policy and Civil Government and those which concern private right that the Laws which concern publick right Policy and Civil Government may be made the same throughout the whole United Kingdom But that no alteration be made in Laws which concern private right Except for evident Utility of the Subjects within Scotland

## **ARTICLE XIX.**

### **Court of Session. Writers to the Signet admitted Lords of Session. Court of Justiciary. Other Courts. Causes in Scotland not cognizable in Courts in Westminster Hall.**

That the Court of Session or Colledge of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same authority and privileges as before the Union Subject nevertheless to such regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain and that hereafter none shall be named by Her Majesty or Her Royal Successors to be ordinary Lords of Session but such who have served in the Colledge of Justice as Advocates or Principal Clerks of Session for the Space of Five years or as Writers to the Signet for the Space of ten years with this provision that noWriter to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocates and be found by them qualified for the said Office two years before he be named to be a Lord of the Session yet so as the Qualifications made or to be made for capacitating persons to be named ordinary Lords of Session may be altered by the Parliament of Great Britain And that the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same authority and privileges as before the Union Subject nevertheless to such regulations as shall be

made by the Parliament of Great Britain and without prejudice of other rights of Justiciary **F7**. . . And that the heretable rights of Admiralty and Vice Admiralties in Scotland be reserved to the respective proprietors as rights of property Subject nevertheless as to the manner of exercising such heretable rights to such regulations and alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but Subject to alterations by the Parliament of Great Britain And that all inferior Courts within the said limits do remain Subordinate as they are now to the supreme Courts of Justice within the same in all time coming And that no Causes in Scotland be cognoscible by the Courts of Chancery Queen's Bench Common Pleas or any other Court in Westminster Hall and that the said Courts or any other of the like nature after the Union shall have no Power to cognosce review or alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same **F8**. . .

#### Textual Amendments

**F7** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

**F8** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#) and [Statute Law \(repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

#### Modifications etc. (not altering text)

**C3** Functions of Courts of Chancery, Queen's Bench and Common Pleas at Westminster now exercisable by High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), [s. 18\(2\)](#)

### ARTICLE XX.

#### Heritable Offices, &c.

That all Heretable Offices Superiorities Heretable Jurisdictions Offices for Life and Jurisdictions for Life be reserved to the owners thereof as Rights of Property in the same manner as they are now enjoyed by the Laws of Scotland notwithstanding this Treaty.

### ARTICLE XXI.

#### Royal Burghs.

That the Rights and Privileges of the Royal Burghs in Scotland as they now are do remain entire after the Union and notwithstanding thereof.

### **F9**ARTICLE XXII.

#### Textual Amendments

**F9** Article XXII repealed (5.11.1993) by 1993 (c. 50), s. 1(1), Sch. 1 Pt. XI Group2

.....**F9**



## ARTICLE XXIII.

### Privileges of the Sixteen Peers of Scotland.

**F10**. . . that all Peers of Scotland and their Successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have rank and precedence next and immediately after the Peers of the like Orders and Degrees in England at the time of the Union and before all Peers of Great Britain of the like Orders and Degrees who may be created after the Union **F11**. . . and shall enjoy all privileges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter enjoy the same **F10**. . .

## Textual Amendments

**F10** Words repealed by [Peerage Act 1963 \(c. 48\)](#), [Sch. 2](#)

**F11** Words repealed by virtue of repeal of Criminal Justice Act 1948 (c. 58), **Sch. 10 Pt. III** of s. 4 of this Act so far as it ratifies those words

## ARTICLE XXIV.

Heraldry; Regalia	Great Seal;	Seal kept in Scotland;	Privy Seal, &c. in Scotland;
			

That from and after the Union there be one Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom and that the Quartering the Arms and the rank and precedence of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for sealing Writts to elect and summon the Parliament of Great Britain and for sealing all Treaties with foreign Princes and States and all Publick Acts Instruments and Orders of State which concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used And that a Seal in Scotland after the Union be always kept and made use of in all things relating to private rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices Grants Commissions and private rights within that Kingdom and that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes And that the Privy Seal Signet Casset Signet of the Justiciary Court Quarter Seal and Seals of Courts now used in Scotland be continued But that the said Seals be altered and adapted to the State of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such regulations as the Parliament of Great Britain shall hereafter make And that the Crown Scepter and Sword of State the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private general and particular and Warrants thereof continue to be kept as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding the Union

## ARTICLE XXV.

**Laws inconsistent with the Articles, void:**

That all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms. As by the said Articles of Union ratified and approved by the said Act of Parliament of Scotland relation thereunto being had may appear

**II Acts of Scotland herein mentioned, confirmed; Universities and colleges of Saint Andrew, Glasgow, Aberdeen and Edinburgh, to continue; Subjects not liable to Oath, Test, or Subscription, inconsistent with the Presbyterian Church Government; Successor to swear to maintain the said Settlement of Religion; This Act to be held a fundamental Condition of Union, and to be inserted in any Act of Parliament for concluding the said Union; This Ratification of the said Articles not binding until they are ratified by Parliament of England, &c.; Laws contrary to Articles void.**

And the Tenor of the aforesaid Act for securing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland is as follows.

Our Sovereign Lady and the Estates of Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms It is provided that the Commissioners for that Treaty should not treat of or concerning any Alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established which Treaty being now reported to the Parliament and it being reasonable and necessary that the true Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with Advice and Consent of the said Estates of Parliament doth hereby establish and confirm the said true Protestant Religion and the Worship Discipline and Government of this Church to continue without any Alteration to the People of this Land in all succeeding Generations And more especially Her Majesty with Advice and Consent aforesaid ratifies approves and for ever confirms the Fifth Act of the first Parliament of King William and Queen Mary intituled Act ratifying the Confession of Faith and settling Presbyterian Church Government with all other Acts of Parliament relating thereto in Prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right bearing date the Eleventh of April One thousand six hundred and eighty nine And Her Majesty with Advice and Consent aforesaid expressly provides and declares that the foresaid true Protestant Religion contained in the above mentioned Confession of Faith with the Form and Purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline (that is to say) the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and General Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall remain and continue unalterable And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland

And further for the Greater Security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with Advice and Consent foresaid statutes and ordains that the Universities and Colledges of Saint Andrew's Glasgow Aberdeen and Edinburgh as now established by Law shall continue within this Kingdom for ever **F12**. . .

And further Her Majesty with Advice aforesaid expressly declares and statutes that none of the Subjects of this Kingdom shall be liable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government Worship and Discipline as above established and that the same within the Bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And lastly that after the decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of Great Britain shall in all time coming at His or Her Accession to the Crown swear and subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion with the Government Worship Discipline right and

Privileges of this Church as above established by the Laws of this Kingdom in Prosecution of the Claim of Right

And it is hereby statute and ordained that this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a Fundamental and Essential Condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms and that the same shall be therein expressly declared to be a Fundamental and Essential Condition of the said Treaty or Union in all time coming which Articles of Union and Act immediately above written Her Majesty with Advice and Consent aforesaid statutes enacts and ordains to be and continue in all time coming the Sure and perpetual Foundation of a compleat and entire Union of the two Kingdoms of Scotland and England under the express Condition and provision that this approbation and ratification of the foresaid Articles and Act shall be no ways binding on this Kingdom until the said Articles and Act be ratified approved and confirmed by Her Majesty with and by the Authority of the Parliament of England as they are now agreed to approved and confirmed by Her Majesty with and by the Authority of the Parliament of Scotland declaring nevertheless that the Parliament of England may provide for the Security of the Church of England as they think expedient to take place within the Bounds of the said Kingdom of England and not derogating from the Security above provided for establishing of the Church of Scotland within the Bounds of this Kingdom As also the said Parliament of England may extend the Additions and other Provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not suspend or derogate from the force and effect of this present Ratification but shall be understood as herein included without the necessity of any new ratification in the Parliament of Scotland

And lastly Her Majesty enacts and declares that all Laws and Statutes in this Kingdom so far they are contrary to or inconsistent with the Terms of these Articles as above mentioned shall from and after the Union cease and become void.

#### Textual Amendments

**F12** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

### III Cap. 8 ante.

And Whereas an **M1** Act hath passed in this present Session of Parliament intituled An Act for securing the Church of England as by Law established the Tenor whereof follows

Whereas by an Act made in the Session of Parliament held in the third and fourth year of Her Majesties reign whereby Her Majesty was impowered to appoint Commissioners under the Great Seal of England to treat with Commissioners to be authorized by the Parliament of Scotland concerning an Union of the Kingdoms of England and Scotland It is Provided and enacted that the Commissioners to be named in pursuance of the said Act should not treat of or concerning any Alteration of the Liturgy Rites Ceremonies Discipline or Government of the Church as by Law established within this Realm And whereas certain Commissioners appointed by Her Majesty in pursuance of the said Act and also other Commissioners nominated by Her Majesty by the Authority of the Parliament of Scotland have met and agreed upon a Treaty of Union of the said Kingdoms which Treaty is now under the Consideration of this present Parliament And whereas the said Treaty (with some Alterations therein made) is ratified and approved by Act of Parliament in Scotland and the said Act of Ratification is by Her Majesties Royal Command laid before the Parliament of this Kingdom And whereas it is reasonable and necessary that the true Protestant Religion Professed and established by Law in the Church of England and the

Doctrine Worship Discipline and Government thereof should be effectually and unalterably secured Be it enacted by the Queens most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled and by Authority of the same That an **F13**. . . Act made in the thirteenth year of the reign of the late King Charles the Second intituled an Act for the Uniformity of the publick Prayers and Administration of Sacraments and other rites and ceremonies and for establishing the form of making ordaining and consecrating Bishops Priests and Deacons in the Church of England (other than such Clauses in the said Acts or either of them as have been repealed or altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the Establishment and Preservation of the Church of England and the Doctrine Worship Discipline and Government thereof shall remain and be in full force for ever

And be it further enacted by the Authority aforesaid That after the Demise of Her Majesty (whom God long preserve) the Sovereign next succeeding to Her Majesty in the Royal Government of the Kingdom of Great Britain and so for ever hereafter every King or Queen succeeding and coming to the Royal Government of the Kingdom of Great Britain at His or Her Coronation shall in the presence of all persons who shall be attending assisting or otherwise then and there present take and subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of England and the Doctrine Worship Discipline and Government thereof as by Law established within the Kingdoms of England and Ireland the Dominion of Wales and Town of Berwick upon Tweed and the Territories thereunto belonging.

And be it further enacted by the Authority aforesaid That this Act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a Fundamental and Essential part of any Treaty of Union to be concluded between the said two Kingdoms and also that this Act shall be inserted in express Terms in any Act of Parliament which shall be made for settling and ratifying any such Treaty of Union and shall be therein declared to be an Essential and Fundamental part thereof.

#### Textual Amendments

**F13** Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\)](#), [Sch. 1 Pt. XIII](#)

#### Marginal Citations

**M1** c. 8. ante.

#### **F14**IV The said Articles and Act of Parliament of Scotland confirmed;

May It therefore please Your most Excellent Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by Authority of the same That all and every the said Articles of Union as ratified and approved by the said Act of Parliament of Scotland as aforesaid and herein before particularly mentioned and inserted and also the said Act of Parliament of Scotland for establishing the Protestant Religion and Presbyterian Church Government within that Kingdom intituled Act for Securing the Protestant Religion and Presbyterian Church Government and every Clause matter and thing in the said Articles and Act contained shall be and the said Articles and Act are hereby for ever ratified approved and confirmed.

#### Textual Amendments

**F14** [S.4](#) repealed (a) so far as it ratifies art. 5, part of art. 6, arts. 8, 10-15 and parts of arts. 16, 19, 22 by [Statute Law Revision Act 1867 \(c. 59\)](#); (b) so far as it ratifies part of art. 22 by [Promissory Oaths Act 1871 \(c. 48\)](#), Sch. 1 Pt. II; (c)

**V Cap. 8 ante, and the said Act of Parliament of Scotland to be observed as fundamental Conditions of the said Union; and the said Articles and Acts of Parliament to continue the Union.**

And it is hereby further enacted by the Authority aforesaid That the said Act passed in this present Session of Parliament intituled An Act for securing the Church of England as by Law established and all and every the matters and things therein contained And also the said Act of Parliament of Scotland intituled Act for securing the Protestant Religion and Presbyterian Church Government with the Establishment in the said Act contained be and shall for ever be held and adjudged to be and observed as Fundamental and Essential Conditions of the said Union And shall in all times coming be taken to be and are hereby declared to be essential and fundamental parts of the said Articles and Union And the said Articles of Union so as aforesaid ratified approved and confirmed by Act of Parliament of Scotland and by this present Act And the said Act passed in this present Session of Parliament intituled an Act for securing the Church of England as by Law established And also the said Act passed in the Parliament of Scotland intituled Act for securing the Protestant Religion and Presbyterian Church Government are hereby enacted and ordained to be and continue in all times coming the complete and intire Union of the two Kingdoms of England and Scotland

**VI Recital of Act of Parliament of Scotland for settling Election of the Sixteen Peers and Forty-five Members for Scotland.**

And whereas since the passing the said Act in the Parliament of Scotland for ratifying the said Articles of Union one other Act intituled Act settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain hath likewise passed in the said Parliament of Scotland at Edinburgh the Fifth day of February One thousand seven hundred and seven the Tenor whereof follows

Our Sovereign Lady considering that by the Twenty Second Article of the Treaty of Union as the same is ratified by an Act passed in this Session of Parliament upon the Sixteenth of January last It is provided That by virtue of the said Treaty of the Peers of Scotland at the time of the Union Sixteen shall be the number to sit and vote in the House of Lords and Forty Five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain and that the said Sixteen Peers and Forty Five Members in the House of Commons be named and chosen in such manner as by a subsequent Act in this present Session of Parliament in Scotland should be settled which Act is thereby declared to be as valid as if it were a part of and ingrossed in the said Treaty Therefore Her Majesty with Advice and Consent of the Estates of Parliament statutes enacts and ordains that the said Sixteen Peers who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty shall be named by the said Peers of Scotland whom they represent their Heirs or Successors to their Dignities and Honours out of their own number and that by open Election and Plurality of Voices of the Peers present and of the Proxies for such as shall be absent the said Proxies being Peers and producing a Mandate in Writing duly signed before Witnesses and both the Constituent and Proxy being qualified according to Law declaring also that such Peers as are absent being qualified as aforesaid may send to all such meetings Lists of the Peers whom they judge fittest validly signed by the said absent Peers which shall be reckoned in the same manner as if the parties had been present and given in the said List And in case of the Death or legal incapacity of any of the said Sixteen Peers that the aforesaid Peers of Scotland shall nominate another of their own Number in place of the said Peer or Peers in manner before and after mentioned **F15**. . . It is always hereby expressly provided and declared that none shall be capable to elect or be elected for any of the said Estates but such as are twenty one years of Age complete **F15**. . .

## Textual Amendments

**F15** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 1](#)

## Modifications etc. (not altering text)

**C4** [S. 6](#) modified (1.1.2007 for E.W.S. and 7.2.2007 for N.I.) by [Electoral Administration Act 2006 \(c. 22\)](#), [ss. 17\(8\)](#), [77\(2\)](#); [S.I. 2006/3412](#), [art. 3](#), [Sch. 1 para. 14\(d\)](#) (subject to [art. 6](#)); [S.I. 2007/230](#), [art. 2](#)

## VII The said Act declared valid as if it had been Part of the said Articles of Union

As by the said Act passed in Scotland for settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain may appear

Be it therefore further enacted and declared by the Authority aforesaid That the said last mentioned Act Passed in Scotland for settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain as aforesaid shall be and the same is hereby declared to be as valid as if the same had been part of and engrossed in the said Articles of Union ratified and approved by the said Act of Parliament of Scotland and by this Act as aforesaid.

# Accession Declaration Act 1910

## 1910 CHAPTER 29 10 Edw 7 and 1 Geo 5

An Act to alter the form of the Declaration required to be made by the Sovereign on Accession.

[3rd August 1910]

### 1 Alteration of form of accession declaration.

The declaration to be made, subscribed, and audibly repeated by the Sovereign under section one of the **M1** Bill of Rights and section two of the **M2** Act of Settlement shall be that set out in the Schedule to this Act instead of that referred to in the said sections.

#### Marginal Citations

**M1** [1688 c. 2 \(I Will. & Mar. Sess. 2\).](#)

**M2** [1700 c. 2.](#)

### 2 Short title.

This Act may be cited as the Accession Declaration Act 1910.

## SCHEDULE

I [*here insert the name of the Sovereign*] do solemnly and sincerely in the presence of God profess, testify, and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments which secure the Protestant succession to the Throne of my Realm, uphold and maintain the said enactments to the best of my powers according to law.



# The Queen's Speech

## Volume 179: debated on Tuesday 4 November 1952

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The QUEEN, being seated on the Throne, and attended by Her Officers of State (the Lords being in their robes), commanded the Gentleman Usher of the Black Rod, through the Lord Great Chamberlain, to let the Commons know, "it is Her Majesty's pleasure they attend Her immediately in this House."

Who being come, with their Speaker:

The Lord Privy Seal (pursuant to the provisions of the Statute made in the First Year of the Reign of King George the Fifth, intituled "An Act to alter the form of Declaration required to be made by the Sovereign on Accession") administered to Her Majesty the Declaration mentioned in the said Statute, and Her Majesty did make, subscribe, and audibly repeat the said Declaration as follows:

"I, Elizabeth, do solemnly and sincerely in the presence of God profess, testify, and declare that I am a faithful Protestant, and that I will, according to the true intent of the enactments which secure the Protestant succession to the Throne, uphold and maintain the said enactments to the best of my powers according to law."

And afterwards Her Majesty was pleased to speak as follows:

*"My Lords and Members of the House of Commons:*

"On this first occasion when I speak to you in person as your Queen I gratefully acknowledge the sympathy which has been extended to Me and My Family from every part of the Commonwealth. By His selfless devotion to His duties as your Sovereign My Father set an example which it will be My constant endeavour to follow. I am well assured that My peoples everywhere will accord Me that same loyalty and understanding which ever supported Him in the service of His peoples.

"I look forward with deep pleasure to fulfilling at the end of next year My long cherished hopes of visiting, in company with My dear Husband, My peoples in Australia, New Zealand and Ceylon.

"I earnestly pray that in Korea an early armistice will be arranged. Until this is accomplished the continued participation of My Forces in this conflict will be clear proof of My Government's whole-hearted attachment to the ideals of the United Nations.

"My Ministers are determined to make ever closer that co-operation with the other Members of the Commonwealth and with the Colonial Empire which must be the keystone of our policy. To this end they have invited Commonwealth Prime Ministers to meet together this month to confer on vital problems of finance, commerce and economic policy.

"My Government will continue to take their full share in the work of the North Atlantic Treaty Organisation as the bulwark of Western defence and the embodiment of the common aspirations of the Atlantic Community. Within that Community and in every other way they will seek to maintain the closest and most friendly relations with the Government and people of the United States of America.

"It will be My Government's aim to strengthen the unity of Europe. They will work in close association with our neighbours in Western Europe and give all possible support to their efforts to forge closer links with one another.

"My Ministers will continue to work for the conclusion of an Austrian State Treaty and for a fair and equitable settlement of the problem of German unity.

"Active measures will be taken to strengthen the long-standing ties of friendship and of mutual trade between the United Kingdom and the countries of Latin America.



"Further consideration will be given to the draft scheme for federation in Central Africa. For this purpose My Government have invited the three Central African Governments to a further conference in London in January.

"My Ministers will continue the rearmament of My Forces and the development of the Civil Defence organisation, with due regard to the need for maintaining economic strength and stability.

*" Members of the House of Commons*

" The estimates for public services will be laid before you in due course.

*"My Lords and Members of the House of Commons*

"My Government will proceed resolutely with the task of placing the national economy on a sound foundation. They will not hesitate to take any further steps necessary to hold and improve the more favourable position now reached in our overseas payments.

"My Ministers will encourage all engaged in agriculture, mining and industry to co-operate in increasing productive efficiency and thus to produce at lower cost the goods needed at home and by the export trades.

"In the interests of the employment and the standard of living of My people, My Government will persevere with measures to curb inflation and to reduce the heavy load of Government expenditure.

"A steadily increasing number of houses will be built under My Government's programme.

"Bills will be laid before you for the reorganisation of the iron and steel industry and to provide for changes in the transport industry.

"Further measures will be promoted relating to the Town and Country Planning Acts of 1947, to local government superannuation and to the date for depositing new rating valuation lists.

"The question of the supply of electricity in Scotland is being attentively examined with a view to legislation.

"A Bill will be introduced to make certain changes within the framework of the Education Acts in the law affecting voluntary schools.

"My Government will continue to give every encouragement to the fishing industry. A Bill will be laid before you to provide financial help for the building of fishing vessels.

"Proposals will be made to you for improving the maternity benefits of the National Insurance Scheme and also for the further amendment of the National Insurance (Industrial Injuries) Act.

"My Ministers will propose an extension of the existing temporary Acts on leasehold property in England and Wales and in Scotland and will seek an opportunity of making known their policy on this subject.

"Other measures will be laid before you in due course.

"I pray that the blessing of Almighty God will rest upon your counsels."

Thereafter, Her Majesty withdrew.

House adjourned during pleasure.

House resumed at four of the clock, The LORD CHANCELLOR on the Woolsack.

# Coronation Oath Act 1688

## 1688 CHAPTER 6 1 Will and Mar

An Act for Establishing the Coronation Oath.

### Oath heretofore framed in doubtful Words.

Whereas by the Law and Ancient Usage of this Realme the Kings and Queens thereof have taken a Solemne Oath upon the Evangelists at Their respective Coronations to maintaine the Statutes Laws and Customs of the said Realme and all the People and Inhabitants thereof in their Spirituall and Civill Rights and Properties But forasmuch as the Oath itselfe on such Occasion Administred hath heretofore beene framed in doubtfull Words and Expressions with relation to ancient Laws and Constitutions at this time unknowne To the end therefore that One Uniforme Oath may be in all Times to come taken by the Kings and Queens of this Realme and to Them respectively Administred at the times of Their and every of Their Coronation.

#### Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch. 2](#)

### II Oath hereafter mentioned to be adminstered, by the Archbishop of Canterbury, &c.

May it please Your Majesties That the Oath herein Mentioned and hereafter Expressed shall and may be Adminstred to their most Excellent Majestyes King William and Queene Mary (whome God long preserve) at the time of Their Coronation in the presence of all Persons that shall be then and there present at the Solemnizeing thereof by the Archbishop of Canterbury or the Archbishop of Yorke or either of them or any other Bishop of this Realme whome the King's Majesty shall thereunto appoint and who shall be hereby thereunto respectively Authorized which Oath followeth and shall be Administred in this Manner That is to say,

### III Form of Oath and Administration thereof.

The Arch-Bishop or Bishop shall say,

Will You solemnly Promise and Sweare to Governe the People of this Kingdome of England and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King and Queene shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King and Queene,

I will.

Arch Bishop or Bishop.

Will You to the utmost of Your power Maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion Established by Law? And will You Preserve unto the Bishops and Clergy of this Realme and to the Churches committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

King and Queene.

All this I Promise to doe.

After this the King and Queene laying His and Her Hand upon the Holy Gospells, shall say,

King and Queene

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King and Queene shall kisse the Booke.

#### **IV Oath to be administered to all future Kings and Queens.**

And the said Oath shall be in like manner Adminstred to every King or Queene who shall Succeede to the Imperiall Crowne of this Realme at their respective Coronations by one of the Archbishops or Bishops of this Realme of England for the time being to be thereunto appointed by such King or Queene respectively and in the Presence of all Persons that shall be Attending Assisting or otherwise present at such their respective Coronations Any Law Statute or Usage to the contrary notwithstanding.

**26 Commencement.**

This Act shall come into force on 1st January 1979.

**10 References to the Sovereign.**

In any Act a reference to the Sovereign reigning at the time of the passing of the Act is to be construed, unless the contrary intention appears, as a reference to the Sovereign for the time being.

# SCHEDULES

## SCHEDULE 2

Sections 22, 23.

### APPLICATION OF ACT TO EXISTING ENACTMENTS

#### PART I

#### ACTS

1 The following provisions of this Act apply to Acts whenever passed:—

Section 6(a) and (c) so far as applicable to enactments relating to offences punishable on indictment or on summary conviction

Section 9

Section 10

Section 11 so far as it relates to subordinate legislation made after the year 1889

**[F1**Section 14A]

Section 18

Section 19(2).

#### Textual Amendments

**F1** Words in [Sch. 2 para. 1](#) inserted (25.4.2013) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), [ss. 59\(3\), 103\(1\)\(e\)](#).

2 The following apply to Acts passed after the year 1850:—

Section 1

Section 2

Section 3

Section 6(a) and (c) so far as not applicable to such Acts by virtue of paragraph 1

Section 15

Section 17(1).

3 The following apply to Acts passed after the year 1889:—

Section 4

Section 7

Section 8

Section 12

Section 13

Section 14 so far as it relates to rules, regulations or byelaws

Section 16(1)

Section 17(2)(a)

Section 19(1)

Section 20(1).

4 (1) Subject to the following provisions of this paragraph—

- (a) paragraphs of Schedule 1 at the end of which a year or date **F2**. . . is specified [**F3**or described] apply, so far as applicable, to Acts passed on or after the date, or after the year, so specified [**F3**or described]; and
  - (b) paragraphs of that Schedule at the end of which no year or date is specified [**F3**or described] apply, so far as applicable, to Acts passed at any time.
- (2) The definition of “British Islands”, in its application to Acts passed after the establishment of the Irish Free State but before the commencement of this Act, includes the Republic of Ireland.
- (3) The definition of “colony”, in its application to an Act passed at any time before the commencement of this Act, includes—
- (a) any colony within the meaning of section 18(3) of the **M1**Interpretation Act 1889 which was excluded, but in relation only to Acts passed at a later time, by any enactment repealed by this Act;
  - (b) any country or territory which ceased after that time to be part of Her Majesty’s dominions but subject to a provision for the continuation of existing law as if it had not so ceased;
- and paragraph (b) of the definition does not apply.
- (4) The definition of “Lord Chancellor” does not apply to Acts passed before 1st October 1921 in which that expression was used in relation to Ireland only.
- (5) The definition of “person”, so far as it includes bodies corporate, applies to any provision of an Act whenever passed relating to an offence punishable on indictment or on summary conviction.
- (6) This paragraph applies to **F4**. . . the **M2**Water Act 1973 as if they were passed after 1st April 1974.

**Textual Amendments**

- F2** Words repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [s. 33\(1\)\(2\)\(4\)](#), [Sch. 2 para. 74](#), [Sch. 3 paras. 1, 6](#), [Sch. 4](#)
- F3** Words inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [s. 33\(1\)\(2\)](#), [Sch. 2 para. 74](#), [Sch. 3 paras. 1, 6](#)
- F4** Words in [Sch. 2 Pt. I para. 4\(6\)](#) repealed (1.4.1996) by [1995 c. 17](#), [s. 5](#), [Sch. 3](#) (with [Sch. 2 paras. 6, 16](#))

**Marginal Citations**

- M1** [1889 c. 63](#).
- M2** [1973 c. 37](#).

5 The following definitions shall be treated as included in Schedule 1 for the purposes specified in this paragraph—

- (a) in any Act passed before 1st April 1974, a reference to England includes Berwick upon Tweed and Monmouthshire and, in the case of an Act passed before the **M3**Welsh Language Act 1967, Wales;
- (b) in any Act passed before the commencement of this Act and after the year 1850, “land” includes messuages, tenements and hereditaments, houses and buildings of any tenure;
- (c) in any Act passed before the commencement of the **M4**Criminal Procedure (Scotland) Act 1975, “the Summary Jurisdiction (Scotland) Acts” means Part II of that Act.

**Marginal Citations**

- M3** [1967 c. 66](#).
- M4** [1975 c. 21](#).

PART II  
SUBORDINATE LEGISLATION

6 Sections 4(a), 9 and 19(1), and so much of Schedule 1 as defines the following expressions, namely—

**F5** . . . . .

England;

Local land charges register and appropriate local land charges register;

**[F6** in relation to Scotland, expressions relating to the police;]

United Kingdom;

Wales,

apply to subordinate legislation made at any time before the commencement of this Act as they apply to Acts passed at that time.

**Textual Amendments**

**F5** Words repealed by [British Nationality Act 1981 \(c. 61, SIF 87\)](#), [s. 52\(8\)](#), [Sch. 9](#)

**F6** Words in Sch. 2 para. 6 substituted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 15\(4\)](#)

7 The definition in Schedule 1 of “county court”, in relation to England and Wales, applies to Orders in Council made after the year 1846.

**[F7**8. The definition in Schedule 1 of “enactment”, in so far as it relates to retained direct EU legislation, applies to subordinate legislation made at any time before the commencement of this Act as it applies to Acts passed at that time.]

**Textual Amendments**

**F7** Sch. 2 para. 8 inserted (31.12.2020) by [The European Union Withdrawal \(Consequential Modifications\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1447\)](#), [regs. 1\(3\)](#), [2\(5\)](#)



# Parliamentary Oaths Act 1866

## 1866 CHAPTER 19 29 and 30 Vict

An Act to amend the Law relating to Parliamentary Oaths.

[30th April 1866]

### Modifications etc. (not altering text)

C1 Preamble omitted under authority of [Statute Law Revision Act 1875 \(c. 66\)](#)

### 1 Oath to be taken by members of Parliament.

The oath to be made and subscribed by members of both Houses of Parliament on taking their seats in every Parliament shall be in the form following:

..... **F1**

### Textual Amendments

**F1** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

### 2 ..... **F2**

### Textual Amendments

**F2** [Ss. 2,4](#) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

### 3 Time and manner of taking the oath.

The oath hereby appointed shall in every Parliament be solemnly and publicly made and subscribed by every member of the House of Peers at the table in the middle of the said House before he takes his place in the said House, and whilst a full House of Peers is there with their Speaker in his place, and by every member of the House of Commons at the table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his chair, at such hours and according to such regulations as each House may by its standing orders direct.

### Modifications etc. (not altering text)

C2 The "oath hereby appointed" means the oath of allegiance in the form provided by [Promissory Oaths Act 1868 \(c. 72\)](#), [s. 2](#):  
ibid., s. 8

### 4 ..... **F3**

### Textual Amendments

**F3** [Ss. 2,4](#) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

5      **Penalty for omission to take oath.**

If any member of the House of Peers votes by himself or his proxy in the House of Peers, or sits as a peer during any debate in the said House without having made and subscribed the oath hereby appointed, he shall for every such offence be subject to a penalty of five hundred pounds, to be recovered by action in **[F4**the High Court]; and if any member of the House of Commons votes as such in the said House, or sits during any debate after the Speaker has been chosen, without having made and subscribed the oath hereby appointed, he shall be subject to a like penalty for every such offence, and in addition to such penalty his seat shall be vacated in the same manner as if he were dead.

**Textual Amendments**

**F4**      Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **ss. 18**, [224\(1\)](#).

**Modifications etc. (not altering text)**

**C3**      The “oath hereby appointed” means the oath of allegiance in the form provided by [Promissory Oaths Act 1868 \(c. 72\)](#), **s. 2**:  
ibid., s. 8

6      ..... **F5**

**Textual Amendments**

**F5**      [S. 6](#) repealed by [Statute Law Revision Act 1875 \(c. 66\)](#).

7      **Short title.**

This Act may be cited for all purposes as “The Parliamentary Oaths Act 1866.”

**F6F6**SCHEDULE

.....

**Textual Amendments**

**F6**      [Sch.](#) repealed by Statute Law Revision Act 1875 (c. 66>

**1 Words of enactment.**

Every section of an Act takes effect as a substantive enactment without introductory words.

# **Oaths Act 1978**

## **1978 CHAPTER 19**

An Act to consolidate the Oaths Act 1838 and the Oaths Acts 1888 to 1977, and to repeal, as obsolete, section 13 of the Circuit Courts (Scotland) Act 1828.

[30th June 1978]

**PART II**  
**UNITED KINGDOM**

*Supplementary*

**8 Short title, extent and commencement.**

- (1) This Act may be cited as the Oaths Act 1978.
- (2) Part I of this Act does not extend to Scotland.
- (3) It is hereby declared that this Act extends to Northern Ireland.
- (4) **F1** .....
- (5) This Act shall come into force on the expiration of the period of one month from the date on which it is passed.

**Textual Amendments**

**F1** [S. 8\(4\)](#) repealed (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 17](#); [S.I. 2009/812, art. 3](#) (with transitional provisions in {[S.I. 2009/1059](#)}); [S.I. 2009/1167, art. 4](#)

**PART I ENGLAND, WALES AND NORTHERN IRELAND**

1.        Manner of administration of oaths.
2.        Consequential amendments.

**PART II UNITED KINGDOM**

*Oaths*

3.        Swearing with uplifted hand.
4.        Validity of oaths.

*Solemn affirmations*

5.        Making of solemn affirmations.
6.        Form of affirmation.

*Supplementary*

7.        Repeals and savings.
8.        Short title, extent and commencement.

**SCHEDULE**

**PART II**  
**UNITED KINGDOM**

*Oaths*

**4      Validity of oaths.**

- (1) In any case in which an oath may lawfully be and has been administered to any person, if it has been administered in a form and manner other than that prescribed by law, he is bound by it if it has been administered in such form and with such ceremonies as he may have declared to be binding.
- (2) Where an oath has been duly administered and taken, the fact that the person to whom it was administered had, at the time of taking it, no religious belief, shall not for any purpose affect the validity of the oath.

**Modifications etc. (not altering text)**

- C1 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Court Martial Appeal Court Rules 2009 \(S.I. 2009/2657\)](#), **rule 15**, [Sch. 1](#)
- C2 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Court Martial\) Rules 2009 \(S.I. 2009/2041\)](#), **rule 21**
- C3 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Hearing and Activation of Suspended Sentences of Service Detention\) Rules 2009 \(S.I. 2009/1216\)](#), **rule 14**
- C4 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Summary Appeal Court\) Rules 2009 \(S.I. 2009/1211\)](#), **rule 28**
- C5 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Service Civilian Court\) Rules 2009 \(S.I. 2009/1209\)](#), **rule 20**
- C6 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Warrants of Arrest for Service Offences\) Rules 2009 \(S.I. 2009/1110\)](#), **rule 16**
- C7 [S. 3-6](#) applied (with modifications) (31.10.2009) by [The Armed Forces \(Custody Proceedings\) Rules 2009 \(S.I. 2009/1098\)](#), **rule 21**

# The Queen's Coronation Oath, 1953



Published 2 June 1953

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“

The things which I have here before  
promised, I will perform and keep. So  
help me God.

Her Majesty The Queen

”

---

In the Coronation ceremony of 2 June 1953, one of the highlights was when The Queen made her Coronation Oath (taken from the Order of Service for the Coronation).

The Queen having returned to her Chair, (her Majesty having already on Tuesday, the 4th day of November, 1952, in the presence of the two Houses of Parliament, made and signed the Declaration prescribed by Act of Parliament), the Archbishop standing before her shall administer the Coronation Oath, first asking the Queen,

Madam, is your Majesty willing to take the Oath?



And the Queen answering,

I am willing.

The Archbishop shall minister these questions; and The Queen, having a book in her hands, shall answer each question severally as follows:

Archbishop. Will you solemnly promise and swear to govern the Peoples of the United Kingdom of Great Britain and Northern Ireland, Canada, Australia, New Zealand, the Union of South Africa, Pakistan, and Ceylon, and of your Possessions and the other Territories to any of them belonging or pertaining, according to their respective laws and customs?

Queen. I solemnly promise so to do.

Archbishop. Will you to your power cause Law and Justice, in Mercy, to be executed in all your judgements?

Queen. I will.

Archbishop. Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them?

Queen. All this I promise to do.

Then the Queen arising out of her Chair, supported as before, the Sword of State being carried before her, shall go to the Altar, and make her solemn Oath in the sight of all the people to observe the premisses: laying her right

hand upon the Holy Gospel in the great Bible (which was before carried in the procession and is now brought from the Altar by the Arch-bishop, and tendered to her as she kneels upon the steps), and saying these words:

The things which I have here before promised, I will perform and keep. So help me God.

Then the Queen shall kiss the Book and sign the Oath.

The Queen having thus taken her Oath shall return again to her Chair, and the Bible shall be delivered to the Dean of Westminster.

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## VOLUME 1, PAGES 51-94



#### **IV      The Laws and Statutes of the Realm confirmed.**

And whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this Realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same The said Lords Spirituall and Temporall and Commons do therefore further humbly pray That all the Laws and Statutes of this Realm for securing the established Religion and the Rights and Liberties of the People thereof and all other Laws and Statutes of the same now in Force may be ratified and confirmed And the same are by His Majesty by and with the Advice and Consent of the said Lords Spirituall and Temporall and Commons and by Authority of the same ratified and confirmed accordingly.

**12      Continuity of powers and duties.**

- (1) Where an Act confers a power or imposes a duty it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, from time to time as occasion requires.
- (2) Where an Act confers a power or imposes a duty on the holder of an office as such, it is implied, unless the contrary intention appears, that the power may be exercised, or the duty is to be performed, by the holder for the time being of the office.

# Magna Carta (1297)

## 1297 CHAPTER 9 25 Edw 1 cc 1 9 29

**X1 X2** THE GREAT CHARTER OF THE LIBERTIES OF ENGLAND, AND OF THE LIBERTIES OF THE FOREST; CONFIRMED BY KING EDWARD, IN THE TWENTY-FIFTH YEAR OF HIS REIGN.

### Editorial Information

- X1** The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second. The full reference to the chapter numbers of this Statute includes c. 37 of which has been partly repealed.
- X2** The Latin Indorsement beginning "Magna Carta" is at the bottom of Membrane 38, of the Roll, being the last of the three Membranes on which are entered The Inspeximus and Confirmation of the Great Charter and of the Charter of the Forest, the Charter of Confirmation in French, and the King's Pardon; in Order as they are printed from hence [Statutes of the Realm, volume 1, page 114] to the End of page 124. In all former Printed Copies the Great Charter and the Charter of the Forest, as granted by King Henry III. and confirmed by King Edward I. have been inserted under the ninth year of K. Henry III. See the Collection of Charters of Liberties preceding the Statutes [in Statutes of the Realm, volume 1], and Chapter II. of the Introduction prefixed to [the same] Volume. The Various Readings marked *L.* are from the Charter of Inspeximus 25 Edw. I, under the Great Seal preserved among the Archives of the City of London. See page 33, of the Charters of Liberties [in Statutes of the Realm, volume 1].

EDWARD by the Grace of God King of England, Lord of Ireland, and Duke of Guyan, [**X3** to all Archbishops, Bishops, &c.] We have seen the Great Charter of the Lord Henry sometimes King of England, our Father, of the Liberties of England in these words:

### Editorial Information

- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: *To All to whom these present Letters shall come; Greeting.*

HENRY by the Grace of God King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou, to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Sheriffs, Provosts, Officers, and to all Bailiffs, and other our faithful Subjects, which shall see this present Charter, Greeting: Know Ye, that We, unto the honour of Almighty God, and for the salvation of (**X4**) the souls of our Progenitors and Successors [Kings of England,] to the advancement of Holy Church and amendment of our Realm, of our meer and free will, have given and granted to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, and to all [Freemen] of this our Realm, these Liberties following, to be kept in our Kingdom of England for ever.

### Editorial Information

- X4** Variant reading of the text noted in *The Statutes of the Realm* as follows: *our Soul and*

## I Confirmation of Liberties.

FIRST, We have granted to God, and by this our present Charter have confirmed, for Us and our Heirs for ever, that the Church of England shall be free, and shall have all her whole Rights and Liberties inviolable. We have granted also, and given to all the Freemen of our Realm, for Us and our Heirs for ever, these Liberties under-written, to have and to hold to them and their Heirs, of Us and our Heirs for ever.

## Textual Amendments

**F1** Cc. 2–6 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#).

## VII ..... **F2**

## Textual Amendments

**F2** C. 7 repealed by Administration of Estates Act (1925) (c. 23), s. 56, Sch. 2 Pt. I, [Administration of Estates Act \(Northern Ireland\) 1955 \(c. 24\)](#), s. 46, [Sch. 3](#) and [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

## VIII ..... **F3**

## Textual Amendments

**F3** C. 8 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

## IX Liberties of London, &c.

THE City of London shall have all the old Liberties and Customs [which it hath been used to have]. Moreover We will and grant, that all other Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, shall have all their Liberties and free Customs.

## X ..... **F4**

## Textual Amendments

**F4** C. 10 repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)

## XI—XII. .... **F5**

## Textual Amendments

**F5** Cc. 11, 12 repealed by [Civil Procedure Acts Repeal Act 1879 \(c. 59\)](#), [Sch.](#)

## XIII ..... **F6**

## Textual Amendments

**F6** C. 13 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#)

## XIV ..... **F7**

## Textual Amendments

**F7** C. 14 repealed by [Criminal Law Act 1967 \(c. 58\)](#), [Sch. 3 Pt. I](#) and [Criminal Law Act \(Northern Ireland\) 1967 \(c. 18\)](#), [Sch. 2 Pt. I](#)

## XV–XVI ..... **F8**

## Textual Amendments

**F8** Cc. 15, 16 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

**XVII** ..... **F9**

## Textual Amendments

**F9** C. 17 repealed by [Statute Law Revision Act 1892 \(c. 19\)](#)

**XVIII** ..... **F10**

## Textual Amendments

**F10** C. 18 repealed by [Crown Proceedings Act 1947 \(c. 44\)](#), [Sch. 2](#)

**XIX–XXI** ..... **F11**

## Textual Amendments

**F11** Cc. 19–21 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#)

**XXII** ..... **F12**

## Textual Amendments

**F12** C. 22 repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)

**XXIII** ..... **F13**

## Textual Amendments

**F13** C. 23 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

**XXIV** ..... **F14**

## Textual Amendments

**F14** C. 24 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#)

**XXV** ..... **F15**

## Textual Amendments

**F15** C. 25 repealed by [Statute Law Revision Act 1948 \(c. 62\)](#)

**XXVI** ..... **F16**



#### Textual Amendments

[F16](#) C. 26 repealed by the Acts 9 Geo. 4 c. 31 s. 1 and 10 Geo. 4 c. 34 s. 1

#### XXVII–XXVIII

..... [F17](#)

#### Textual Amendments

[F17](#) Cc. 27, 28 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#).

#### XXIX Imprisonment, &c. contrary to Law. Administration of Justice.

NO Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor [[X5](#)condemn him,] but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.

#### Editorial Information

[X5](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *deal with him*,

#### XXX ..... [F18](#)

#### Textual Amendments

[F18](#) C. 30 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

#### XXXI ..... [F19](#)

#### Textual Amendments

[F19](#) C. 31 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#).

#### XXXII ..... [F20](#)

#### Textual Amendments

[F20](#) C. 32 repealed by [Statute Law Revision Act 1887 \(c. 59\)](#).

#### XXXIII—XXXIV. .... [F21](#)

#### Textual Amendments

[F21](#) Cc. 33, 34 repealed by [Statute Law Revision Act 1863 \(c. 125\)](#) and [Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#).

#### XXXV ..... [F22](#)

## Textual Amendments

**F22** C. 35 repealed by [Sheriffs Act 1887 \(c. 55\), s. 39, Sch. 3](#)

XXXVI–XXXVII

..... **F23**

## Textual Amendments

**F23** Cc. 36, 37 repealed by [Statute Law Revision Act 1863 \(c. 125\) and Statute Law \(Ireland\) Revision Act 1872 \(c. 98\)](#)

### **General Saving. Observance of these Liberties. Subsidy, in respect of this Charter and Charter of the Forest.**

Reserving to all Archbishops, Bishops, Abbots, Priors, Templars, Hospitallers, Earls, Barons, and all Persons, as well Spiritual as Temporal, all their **[X6]**free Liberties] and free Customs, which they have had in time passed. And all these Customs and Liberties aforesaid, which We have granted to be holden within this our Realm, **[X7]**as much as appertaineth to Us and our Heirs, we shall observe; and] all Men of this our Realm, as well Spiritual as Temporal, **[X8]**as much as in them is, shall observe the same against all Persons, in like wise.] And for this our Gift and Grant of these Liberties, and of other contained in our Charter of Liberties of our Forest, the Archbishops, Bishops, Abbots, Priors, Earls, Barons, Knights, Freeholders, and other our Subjects, have given unto Us the Fifteenth Part of all their Moveables. And We have granted unto them on the other part, **(X9)** that neither We nor our Heirs shall procure or do any thing whereby the Liberties in this Charter contained shall be infringed or broken. And if any thing be procured by any person contrary to the premises, it shall be had of no force nor effect. These being Witnesses; Lord **[X10B.]** Archbishop of Canterbury, E. Bishop of London, J. Bishop of Bathe, P. of Winchester, H. of Lincoln, R. of Salisbury, W. of Rochester, W. of Worcester, J. of Ely, H. of Hereford, R. of Chichester, W. of Exeter, Bishops; the Abbot of St. Edmonds, the Abbot of St. Albans, the Abbot of **[X11]**Bello,] the Abbot of St. Augustine's in Canterbury, the Abbot of Evesham, the Abbot of Westminster, the Abbot of **[X12]**Bourgh St. Peter,] the Abbot of Reding, the Abbot of Abindon, the Abbot of Malmesbury, the Abbot of Winchcomb, the Abbot of Hyde, the Abbot of Certesey, the Abbot of Sherburn, the Abbot of Cerne, the Abbot of **[X13]**Abbotebir,] the Abbot of Middleton, the Abbot of Seleby, the Abbot of Cirencester; H. de Burgh **[X14]**Justice,] H. Earl of Chester and Lincoln, W. Earl of Salisbury, W. Earl of Warren, G. de Clare Earl of Gloucester and **[X15]**Hereford,] W. de Ferrars Earl of Derby, W. de Mandeville Earl of Essex, H. de Bygod Earl of Norfolk, W. Earl of Albemarle, H. Earl of Hereford, J. Constable of Chester, R. de Ros, R. Fitzwalter, R. de Vyponte, W. de Bruer, R. de Muntefichet, P. Fitzherbert, W. de Aubenie, F. Gresly, F. de Breus, J. de **[X16]**Monemue,] J. Fitzallen, H. de Mortimer, W. de Beauchamp, W. de St. John, P. de Mauly, Brian de Lisle, Thomas de Multon, R. de Argenteyn, G. de Nevil, W. de Mauduit, J. de Balun, and others. **(X17)**

We, Ratifying and approving these Gifts and Grants aforesaid, confirm and make strong all the same for Us and our Heirs perpetually, and by the Tenor of these Presents do renew the same: Willing and granting for Us and our Heirs, that **[X18]**this Charter and] all and singular his Articles for ever shall be stedfastly, firmly, and inviolably observed; **[X19]**and if] any Article in the same Charter contained yet hitherto peradventure hath not been kept **[X20]**We will and by authority royal command from henceforth firmly they be observed].

In Witness whereof We have caused these our Letters Patents to be made. **[X21]**T. Edward our son at Westminster, the twenty-eighth day of March in the twenty-eighth year of our Reign.]

**Magna Carta de lib'tatibz Angl', et de lib'tatibz foreste;  
co'firmata a R. Edwardo; Anno r' sui vicesimo q'nto. xxv'.**

In dorso  
Rotuli.

*Ex magno Rot. Stat. in Turr.  
Lond. m. 40, 39, 38*

(<sup>a</sup>)**DWARDUS** dei grā Rex Angl Dñs Hibñ & Dux Aquit: Omnibz ad quos p'sentes litte pvenint saltm. Inspeximus magnam cartam dñi H. quondam Regis Angl p'ris n'ri de libertatibz Angl in hec verba. Henricus der grā Rex Angl, Dñs Hibñ, Dux Normanñ, Aquit, & Comes Andegav, Archiep's, Ep's, Abbatibz, Prioribz, Comitibz, Baronibz, Vicecomitibz, Prepōitis, Ministris, & omibz, Baf'is & fidelibz suis p'sentem cartam

inspectur saltm. Sciatis qđ nos intuitu dei, & p salute anime n're, & animaz antecessoz & successoz n'roz, ad exaltaçdem scē ecclie, & emendaçdem regni n'ri, spontanea & bona volūate n'ra, dedim' & concessim' Archiep's, Ep's, Abbatibz, Prioribz, Comitibz, Baronibz, & omibz de regno n'ro, has libtates subscriptas, tenendas in regno n'ro Angl imppetuū.

In p'mis concessim' deo, & hac p'senti carta n'ra confirmavim' p nob & hered n'ris imppetuū, qđ ecclia Anglicana libera sit, & habeat omnia jura sua integra, & libtates suas illesas. Concessim' eciam & dedim' omibz liberis hominibz regni n'ri, p nob & heredibz n'ris imppetuū, has libtates subscriptas, hēdas & tenendas eis & hered suis, de nob & hered n'ris imppetuū.

**II-VIII. . . . .**

Civitas London heat omes libtates suas antiquas, & consuetudines suas. Prefea volum' & concedim', qđ omes Civitates alie, & Burgi, & Ville, & Barones de quinq portubz, & oēs port', heat omes libtates, & libas consuetudines suas.

**X-XXVIII.** . . . . .

Nullus liber homo capiatur vel imprisonet<sup>r</sup>, aut disseisiatur de libo teñ suo, vel libertatib<sup>3</sup>, v<sup>l</sup> libis consuetudinib<sup>3</sup> suis, aut utlaget<sup>r</sup> aut exulet aut aliquo modo destruatur, nec sup eum ibimus, nec sup eū mittem<sup>9</sup>, nisi p legale judiciū piū suoꝝ, vel p legem terre. Nulli vendem<sup>9</sup>, nulli negabim<sup>9</sup>, aut differem<sup>9</sup> rectū vel justiciam.

**XXX-XXXVII.** . . . . .

Et salve sint Archiep<sup>is</sup>, Ep<sup>is</sup>, Abbatib<sup>3</sup>, Priorib<sup>3</sup>, Templar<sup>ib</sup>, Hospitelar<sup>ib</sup>, Comitib<sup>3</sup>, Baronib<sup>3</sup>, & omib<sup>3</sup> aliis, tam ecclesiasticis psonis, q<sup>m</sup> secularib<sup>3</sup>, omnes libtates & libe consuetudines, quas prius huerūt. Omnes autē consuetudines & libtates p<sup>o</sup>dictas, quas concessim<sup>9</sup> in regno n<sup>o</sup>ro tenendas, q<sup>ntū</sup> ad nos ptinet erga n<sup>o</sup>ros, Omnes de regno n<sup>o</sup>ro, tam, clici, q<sup>m</sup> laici, observēt, q<sup>ntū</sup> ad se pertinet, erga suos. Pro hac autē donacione et concessione libtatū istaz, & aliaꝝ contentaz in carta n<sup>ra</sup> de libtatib<sup>3</sup> foreste, Archiep<sup>i</sup>, Ep<sup>i</sup>, Abbes, Priores, Comites, Barones, Milites, libe tenentes, & omnes de regno n<sup>o</sup>ro, dederūt nob quintam decimam ptem omiū mobiliū suoꝝ. Concessim<sup>9</sup>

eciam eisdem, p nob & hered n<sup>o</sup>ris, qd nec nos, nec heredes n<sup>o</sup>ri, aliquid pquiremus, p quod libtates in hac carta contente infringant<sup>r</sup> vel infirment<sup>r</sup>. Et si ab aliquo contra hoc aliquid pquisitum fuerit, nichil valeat, & p nullo h<sup>ea</sup>tur. Hiis testib<sup>3</sup> d<sup>no</sup> S. Cantuar Archiep<sup>o</sup>, E. London Ep<sup>o</sup>, J. Bathon Ep<sup>o</sup>, P. Wynton, H. Lincoln, R. Saꝝ, W. Roff, W. Wygon, J. Elieñ, H. Hereforden, R. Cicester, W. Exon Ep<sup>is</sup>. Abbe S<sup>ci</sup> Edmundi, Abbe S<sup>ci</sup> Albani, Abbe de Bello, Abbe S<sup>ci</sup> Augustini Cantuar, Abbe de Evesh<sup>m</sup>, Abbe de Westm, Abbate de Burgo S<sup>ci</sup> Petri, Abbe de Reding, Abbe de Abyndon, Abbe de Malmesbur, Abbe de Wynchecumbe, Abbe de Hida, Abbe de Certeseye, Abbe de Shirburn, Abbe de Cern, Abbe de [<sup>a</sup>Abbotebir,] Abbe de Middilton, Abbate de Seleby, Abbate de Cirencest<sup>r</sup>, H. de Burgo [<sup>b</sup>Justicia<sup>r</sup>,] H. Comite Cest<sup>r</sup> & Lincoln, W. Comite Saꝝ, W. Comite Warren, G. de Clare Comite Gloucest<sup>r</sup> & Hertford, W. de Ferrar Comite Derb, W. de Mandevill Comite Esse<sup>x</sup>, H. le Bygod Comite

<sup>a</sup>Abbotesbury L.

<sup>b</sup>Justic n<sup>o</sup>ro L.

Norff, W. Comite Albemarle,  
H. Comite Hereford, J. Con-  
stabular Cestr, R. de Ros, R.  
filio Walli, R. de Vefi Ponte, W.  
de Bruef, R. de Muntefichet, P.  
filio Herbi, W. de Aubeny, F.  
Gresly, F. de Breuſ, J. de  
Monemue, J. fit Alani, H. de  
Mortuo Mari, W. de Bello  
Campo, W. de Sço Johe, P. de  
Malo Lacu, Briano de Insula,  
Thoma de Multon, R. de Argen-  
tein, G. de Nevill, W. Mauduit,  
J. de Balun & aliis. Dat apud  
Westm xj. die Feb̄ anno r. n.  
nono.

Nos autem donações & con-  
cessionones p̄dictas ratas hentes &  
gratas, eas p nob & Heredibz  
n̄ris, concedim⁹ & confirmam⁹,  
easq̄ tenore p̄senciū innovam⁹,  
volentes & concedentes, p nob  
& heredibz n̄ris, qđ carta p̄dca  
in om̄ibz & singtis suis articul⁹  
imppetuū firmit⁹ & inviolabili⁹  
observet⁹, eciam si aliqui articuli  
in eadem carta contenti, hucusq̄  
forsitan non fuerint observati.  
In cuj⁹ rei testimoñ has lit⁹as  
n̄ras fieri fecim⁹ patentes. T.  
Edwardo filio n̄ro apud Westm,  
duodecimo die Octobr̄ anno r. n.  
Vicesimo Quinto.

#### Editorial Information

- [X6](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Liberties*
- [X7](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *on our part, towards our men,*
- [X8](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *shall observe on their part towards their men*
- [X9](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *for us and our heirs,*
- [X10](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *S*
- [X11](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Battel.*
- [X12](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Peterborough*
- [X13](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Abbotsbury*
- [X14](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Chief Justicer*
- [X15](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Hertford*
- [X16](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Monmouth*
- [X17](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *Given at Westminster the eleventh day of February in the ninth year of our Reign.*
- [X18](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *the Charter aforesaid in*
- [X19](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: *even although*
- [X20](#) Not in Original.
- [X21](#) The Old Translations read These Reverend Fathers being Witnesses; R. Archbishop of Canterbury Primate of England, A. Bishop of Duresme, and other; Given at Westminster, with our own hand, the twenty-eighth day of the month of March, the twenty-eighth year of our reign.

This agrees with the Old Printed Copies of the Latin Text:

But read

*Witness Edward our Son at Westminster, the Twelfth day of October in the Twenty-fifth Year of our Reign.*

# Confirmation of the Charters (1297)

## 1297 CHAPTER 6 25 Edw 1 cc 1 6

### **X1** Confirmation of the Charters

#### Editorial Information

- X1** The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

### **I Confirmation of the Charters. Publication thereof.**

EDWARD, by the Grace of God, King of England, Lord of Ireland, and Duke of Guyan, To All those that these present Letters shall hear or see, Greeting. Know Ye that We, to the honour of God, and of Holy Church, and to the Profit of our Realm, have granted for us and our Heirs, that the Charter of Liberties, . . . **F1** which were made by Common Assent of all the Realm, in the time of King Henry our Father, shall be kept in every point without breach. And We will that . . . **F2** our Justices, Sheriffs, Mayors, and other Ministers, which under Us (**X2**) have the Laws of our Land to guide, [**X3**] shall allow the said Charters pleaded before them in Judgment in all their points;] that is to wit, the Great Charter as the Common Law, . . . **F1**

#### Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: *and by us*
- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: *that they allow the same Charters in all their points, in Pleas before them, and in Judgements*

#### Textual Amendments

- F1** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [s. 1\(4\)](#), [Sch.](#)
- F2** Words repealed by [Statute Law Revision Act 1948 \(c. 62\)](#).

### **II–V ..... F3**

#### Textual Amendments

- F3** Cc. 2–5, 7 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

### **VI No Aids or Prises shall be taken but by Consent of the Realm.**

MOREOVER we have granted for Us and our Heirs as well to Archbishops, Bishops, Abbots, Priors, and other Folk of Holy Church, as also to Earls, Barons, and to all the Communalty of the Land, that for no business from henceforth we shall take (**X4**) such manner of Aids, Tasks, nor Prises, but by the common assent of the Realm, and for the common profit thereof, saving the ancient Aids and Prises due and accustomed.

#### Editorial Information

- X4** Variant reading of the text noted in *The Statutes of the Realm* as follows: *of our realm*

### **VII ..... F4**

## Textual Amendments

**F4** Cc. 2–5, 7 repealed by [Statute Law \(Repeals\) Act 1969 \(c. 52\)](#), [Sch. Pt. I](#)

In Witness of which things we have caused these our Letters to be made Patents. Witness Edward our Son at London the tenth Day of October, the Five and twentieth Year of our Reign.

**X5** And Be it Remembered this same Charter, in the same Terms, word for word, was sealed in Flanders under the King's Great Seal, that is to say, at Ghent the fifth day of November in the twenty-fifth year of the Reign of our aforesaid Lord the King, and sent into England.



## Confirmatio Cartarum

*Ex magno Rot. Stat. in  
Turr. Lond. m. 38.*

(<sup>a</sup>)DWARD par la grace de dieu,  
Roy Dengleterre Seignur Dir-  
land, & Ducs Daquitaine a toutz  
ceus qui cestes p<sup>s</sup>entes lettres  
verront ou orront saluz. Sachiez  
nous al honeur de dieu, & de  
seinte eglise & au p<sup>f</sup>it de tut n<sup>r</sup>e  
Roiaume, aver grante, pur no<sup>o</sup> e  
p<sup>r</sup> nos heirs, qe la grand chartre  
des franchises . . .<sup>1</sup> les queles  
furent faites p cōmun assent de  
tut le Roiaume, en tens le Rey  
Henry n<sup>r</sup>e pere, soient tenuz en  
toutz leur pointz, sanz nul ble-  
missement. E voloms qe . . .<sup>2</sup>  
nos Justices, Viscontes, Maires  
e autres ministres, qi la ley de la  
terre de south nous, & p no<sup>o</sup>, ount  
a guier, meismes les chartres en  
toutz leur pointz, en plez devaunt  
eus, e en Jugementz les facent  
alower, cest asavoir la g<sup>nd</sup>  
chartre des franchises come ley  
cōmune. . . .<sup>1</sup>

<sup>a</sup>A Blank for  
the letter E

### II-V. . . . .

E ausi avoms g<sup>nte</sup> p<sup>r</sup> nous e  
p<sup>r</sup> nos heirs as Ercevesques,  
Evesqs, Abbes, e Priurs, e as  
autres gentz de seinte eglise, &  
as Contes & Barons, & a tote la  
cōmunautē de la terre, q<sup>i</sup> mes pur  
nule busoigne tieu manere des  
aides, mises, ne prises, de n<sup>r</sup>e  
roiaume ne prendrōms, fors q<sup>i</sup> p  
cōmun assent de tut le Roiaume,  
& a cōmun p<sup>f</sup>it de meisme le  
Roiaume; sauve les auncienes  
aides, & prises, dues &  
custumees.

### VII. . . . .

En tesmoignance de queux  
choses, no<sup>o</sup> avoms fait faire  
cestes nos tres o<sup>v</sup>tes. Tes-  
moigne Edward n<sup>r</sup>e fitz a Lon-  
dres le disme jour de O<sup>c</sup>tobr,  
Lan de n<sup>r</sup>e regne vintisme Quynt.

E fet a remembrer qe meisme  
ceste chartre, suth meismes les  
paroles, de mot en mot, fust sele  
en Flaundres, de suth le g<sup>nt</sup> seal  
le Rey, cest asaver a Gaunt, le  
quint Jour de Novemb<sup>r</sup>, Lan del  
regne lavantdit n<sup>r</sup>e seignur le  
Rey vintisme q<sup>nt</sup>, e envee en  
Engleterre.

#### Editorial Information

**X5** See the Charters of Liberties, preceding the Statutes in [volume 1 of Statutes of the Realm,] page 37.



# Confirmation of Liberties (1405)

1405 CHAPTER 1 7 Hen 4

**X1** STATUTE OF THE SEVENTH YEAR.

## Editorial Information

**X1** The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

OUR Lord the King, at his Parliament holden at Westminster the First Day of March, the Seventh Year of his Reign, by the Advice and Assent of the Lords Spiritual and Temporal, and at the Request of the Commons in the same Parliament, hath ordained and established divers Ordinances and Statutes in the Form as followeth.

## **I Liberties, Charters, and Statutes confirmed. Peace shall be kept, and Justice done.**

FIRST, That Holy Church have all her Liberties and Franchises; and that all the Lords Spiritual and Temporal, and all the Cities, Boroughs, and Towns franchised, have and enjoy all their Liberties and Franchises, which they have of the Grant of the King's Progenitors, and of the Confirmation and Grant of our Lord the King that now is. And that the Great Charter, . . . **F1**, and all the Ordinances and Statutes made in the Time of our Lord the King, and in the Time of his Progenitors, not repealed, be firmly holden and kept, and duly executed in all Points: And that the Peace within the Realm be holden and kept, so that all the King's liege People and Subjects may from henceforth safely and peaceably go, come, and abide, according to the Laws and Usages of the same Realm: And that good Justice and [**X2**even] Right be done to every Person; saving to the same our Lord the King his Regalty and Prerogative.

## Statut' de anno vij<sup>o</sup>.

*Ex Rot. Stat. in Turr.  
Lond. III. m. 12.*

N<sup>re</sup> f<sup>r</sup> le Roy a son plement tenuz a Westm le prim<sup>e</sup> jo<sup>r</sup> de Marce lan de son regne vij<sup>me</sup> de ladvis & assent des f<sup>r</sup>s Esp<sup>u</sup>elx & Temporelx & a la request des cōes en mesme le plement ad ordeigne & establiz di<sup>v</sup>ses ordin<sup>a</sup>nces & estatutz en la forme qenseute.

Primement q̄ Seint Eglise eit toutz sez libtees & fraunchises et q̄ toutz les f<sup>r</sup>s Esp<sup>u</sup>elx & Temporelx & toutz les Citees Burghs & Villes enf<sup>a</sup>unchises aient & enjoient toutz les libtees & franchises queux ils ont du g<sup>a</sup>unte des pgenitours n<sup>re</sup> dit f<sup>r</sup> le Roy & de la confirmacion & du g<sup>a</sup>unte mesme n<sup>re</sup> f<sup>r</sup> le Roy. Et q̄ la g<sup>a</sup>nde C<sup>h</sup>re . . . & toutz les

ordin<sup>a</sup>nces & estatutz faitz en temps n<sup>re</sup> dit f<sup>r</sup> le Roy & en temps de ses ditz pgenitours nient repellez soient fermement tenuz gardez & duement executz en toutz pointz; et q̄ la paix deinz le Roialme soit tenuz & gardez, issint q̄ toutz les loialx lieges & subgitz mesme n<sup>re</sup> f<sup>r</sup> le Roy purront desore sauvement & paisiblement aler, venir, &

demurrer solonc les loyes & usages de mesme le Roialme: et q̄ bone justice & ouel droit soit fait a chescuny, sauv<sup>a</sup>nt a mesme n<sup>re</sup> f<sup>r</sup> le Roy ses regalie & p<sup>r</sup>ogative.

### Editorial Information

[X2](#) Variant reading of the text noted in *The Statutes of the Realm* as follows: equal

### Textual Amendments

[F1](#) Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [s. 1\(4\)](#), [Sch.](#)

# Confirmation of Charters and Statutes (1416)

## 1416 CHAPTER 1 4 Hen 5 Stat 2

STATUTES OF THE SAME FOURTH YEAR. A.D. 1416. X1

### Editorial Information

X1 The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

### I Charters and Statutes confirmed.

FIRST, That the Great Charter, . . . E1, and all other Statutes and Ordinances made in his Time, and in the Times of his noble Progenitors Kings of England, and not repealed, shall be firmly holden and kept in all Points.

## Statuta de [eodem] Anno 4.

*Ex Rot. Stat. in Turr. Lond.  
III. m. 3.*

Primement q̃ la grande  
Chartre . . .<sup>1</sup> & toutz au<sup>s</sup> estat-  
utz & ordeinances faitz en son  
temps & es temps de ses nobles  
p̃genito<sup>r</sup>s Rois Dengle<sup>r</sup>e &  
nient repellez soient fermement  
tenuz & gardez en toutz pointz.

### Textual Amendments

**F1** Words repealed by [Wild Creatures and Forest Laws Act 1971 \(c. 47\)](#), [s. 1\(4\)](#), [Sch.](#)

# Confirmation of Liberties (1423)

1423 CHAPTER 1 2 Hen 6

Confirmation of Liberties<sup>X1</sup>

## Editorial Information

<sup>X1</sup> The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

### I Liberties confirmed.

FIRST, That Holy Church, and all the Lords Spiritual and Temporal, and all other the King's People, having Liberties and Franchises, and also all the Cities and Boroughs shall have and enjoy all their Liberties and Franchises well used, and not repealed, nor by the Common Law repealable.

*Ex Rot. Stat. in Turr.  
Lond. IV. m. 12, 11, 10.*

Et primes q̃ Seinte Esglise &  
toutz les f<sup>r</sup>s es̃puelx & tem-  
porelx & toutz les autres lieges  
du Roy aiantz liḃtees & fraun-  
chises & auxi toutz les Citees &  
Burgḡs aient & enjoient toutz  
leur liḃtees & fraunchises bien  
usez & nient repellez ne p la cōe  
ley repellablez,

**XXIX      Imprisonment, &c. contrary to Law. Administration of Justice.**

NO Freeman shall be taken or imprisoned, or be disseised of his Freehold, or Liberties, or free Customs, or be outlawed, or exiled, or any other wise destroyed; nor will We not pass upon him, nor [**X1**condemn him,] but by lawful judgment of his Peers, or by the Law of the Land. We will sell to no man, we will not deny or defer to any man either Justice or Right.

**Editorial Information**

**X1**      Variant reading of the text noted in *The Statutes of the Realm* as follows: *deal with him*,

**3 Interpretation of legislation.**

- (1) So far as it is possible to do so, primary legislation and subordinate legislation must be read and given effect in a way which is compatible with the Convention rights.
- (2) This section—
  - (a) applies to primary legislation and subordinate legislation whenever enacted;
  - (b) does not affect the validity, continuing operation or enforcement of any incompatible primary legislation; and
  - (c) does not affect the validity, continuing operation or enforcement of any incompatible subordinate legislation if (disregarding any possibility of revocation) primary legislation prevents removal of the incompatibility.

**6 Acts of public authorities.**

- (1) It is unlawful for a public authority to act in a way which is incompatible with a Convention right.
- (2) Subsection (1) does not apply to an act if—
  - (a) as the result of one or more provisions of primary legislation, the authority could not have acted differently; or
  - (b) in the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.
- (3) In this section “public authority” includes—
  - (a) a court or tribunal, and
  - (b) any person certain of whose functions are functions of a public nature,
 but does not include either House of Parliament or a person exercising functions in connection with proceedings in Parliament.
- (4) **F1**.....
- (5) In relation to a particular act, a person is not a public authority by virtue only of subsection (3)(b) if the nature of the act is private.
- (6) “An act” includes a failure to act but does not include a failure to—
  - (a) introduce in, or lay before, Parliament a proposal for legislation; or
  - (b) make any primary legislation or remedial order.

**Textual Amendments**

- F1** S. 6(4) repealed (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 40, 146, 148](#), [Sch. 9 para. 66\(4\)](#), [Sch. 18 Pt. 5](#); [S.I. 2009/1604](#), [art. 2\(d\)\(f\)](#)

**Modifications etc. (not altering text)**

- C1** S. 6 excluded (5.3.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [ss. 8\(3\)\(b\)](#), [57\(1\)](#); [S.I. 2015/481](#), [reg. 2\(a\)](#)
- C2** S. 6(1) applied (2.10.2000) by [1999 c. 33](#), [ss. 65\(2\)](#), [170\(4\)](#); [S.I. 2000/2444](#), [art. 2](#), [Sch. 1](#) (subject to transitional provisions in [arts. 3, 4](#), [Sch. 2](#))
- C3** S. 6(3)(b) modified (1.12.2008 with exception in art. 2(2) of commencing S.I.) by [Health and Social Care Act 2008 \(c. 14\)](#), [ss. 145\(1\)-\(4\)](#), [170](#) (with [s. 145\(5\)](#)); [S.I. 2008/2994](#), [art. 2\(1\)](#)
- C4** S. 6(3)(b) applied (1.4.2015) by [Care Act 2014 \(c. 23\)](#), [s. 73\(2\)\(3\)127](#); [S.I. 2015/993](#), [art. 2\(r\)](#) (with transitional provisions in [S.I. 2015/995](#))



**PART 1**  
**OATHS TO BE CONTINUED**

*Oath of Allegiance. Official and Judicial Oaths*

**2 Form of oath of allegiance.**

The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say,

“I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.”

**3 Form of official oath.**

The oath in this Act referred to as the official oath shall be in the form following; that is to say,

“I, , do swear that I will well and truly serve Her Majesty Queen Victoria in the office of So help me God.”

**[F1]4 Form of judicial oath.**

The oath in this Act referred to as the judicial oath shall be in the form following; that is to say,

“I, , do swear that I will well and truly serve our Sovereign Lady Queen Victoria in the office of , and I will do right to all manner of people after the laws and usages of this realm, without fear or favour, affection or illwill. So help me God.”]

**Textual Amendments**

**F1** S. 4 repealed (N.I.) (15.10.2002) by [2002 c. 26, s. 86, Sch. 13](#); [S.R.2002/319, art. 2, Sch.](#)

**5 Persons to take the oath of allegiance and official oath.**

The oath of allegiance and official oath shall be tendered to and taken by each of the officers named in the first part of the schedule annexed hereto as soon as may be after his acceptance of office by the officer, and in the manner in that behalf mentioned in the said first part of the said schedule.

**F2[F2]5A Taking of oaths by members of Scottish Executive**

Where the official oath or oath of allegiance is required to be taken by any member of the Scottish Executive in accordance with section 84(4) of the Scotland Act 1998, it shall be tendered to him by the Lord President of the Court of Session at a sitting of the Court. ]

**Textual Amendments**

**F2** S. 5A and crossheading inserted (6.5.1999) by [S.I. 1999/1042, art. 3, Sch. 1 para. 2\(2\)](#)

**[F3]6 Persons to take the oath of allegiance and judicial oath.**

The oath of allegiance and judicial oath shall be taken by each of the officers named in the second part of the said schedule hereto as soon as may be after his acceptance of office, **F4. . . ]**

**Textual Amendments**

**F3** S. 6 repealed (N.I.) (15.10.2002) by [2002 c. 26, s. 86, Sch. 13](#); [S.R.2002/319, art. 2, Sch.](#)

**F4** Words repealed by [Statute Law Revision Act 1875 \(c. 66\)](#)

#### Modifications etc. (not altering text)

**C1** S. 6 modified by [Courts and Legal Services Act 1990 \(c. 41, SIF 37, 76:1\)](#), [s. 125\(6\)](#), [Sch. 19 para. 6](#)

### **[F5]6A Lord Chancellor's Oath**

- (1) The oath set out in subsection (2) shall be tendered to and taken by the Lord Chancellor, after and in the same manner as the official oath, as soon as may be after his acceptance of office.
- (2) The oath is—

“I, \_\_\_\_\_, do swear that in the office of Lord High Chancellor of Great Britain I will respect the rule of law, defend the independence of the judiciary and discharge my duty to ensure the provision of resources for the efficient and effective support of the courts for which I am responsible. \_\_\_\_\_ So help me God.”.]

#### Textual Amendments

**F5** [S. 6A](#) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 17, 148\(1\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 para. 14](#)

### **7 Penalty on not taking required oath.**

If any officer specified in the schedule hereto **[F6**or any member of the Scottish Executive]declines or neglects, when any oath required to be taken by him under this Act **[F7**or section 84(4) of the Scotland Act 1998] is duly tendered, to take such oath, he shall, if he has already entered on his office, vacate the same, and if he has not entered on the same be disqualified from entering on the same; but no person shall be compelled, in respect of the same appointment to the same office, to take such oath . . . **F8**more times than one.

#### Textual Amendments

**F6** Words in s. 7 inserted (6.5.1999) by [S.I. 1999/1042](#), [art. 3](#), [Sch. 1 para. 2\(3\)\(a\)](#)

**F7** Words in s. 7 inserted (6.5.1999) by [S.I. 1999/1042](#), [art. 3](#), [Sch. 1 para. 2\(3\)\(b\)](#)

**F8** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\)](#), [s. 1\(1\)](#), [Sch. 1 Pt. VIII](#)

### **8 Form of oath of allegiance in this Act substituted for form in certain other Acts.**

The form of the oath of allegiance provided by this Act shall be deemed to be substituted **[F9**in the case of the **M1**Clerical Subscription Act 1865, for the form of the oath of allegiance and supremacy therein referred to]; in the case of the **M2**Parliamentary Oaths Act 1866, for the form of the oath thereby prescribed to be taken and subscribed by members of Parliament on taking their seats; . . . **F10**; and all the provisions of the said Acts shall apply to the oath substituted by this section, in the same manner as if that form of oath were actually inserted in **[F9**each of]the said Acts in the place of the oath for which it is substituted.

#### Textual Amendments

**F9** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\)](#), [s. 1](#), [Sch. Pt. III](#)

**F10** Words repealed by [Statute Law Revision Act 1966 \(c. 5\)](#)

#### Marginal Citations

**M1** [1865 c. 122.](#)

**M2** [1866 c. 19.](#)

9 **Prohibition of oath of allegiance except in accordance with Act.**

No person shall be required or authorized to take the oaths of allegiance, supremacy, and abjuration, or any of such oaths, or any oath substituted for such oaths, or any of them, . . . **F11**except the persons required to take the oath of allegiance by this Act [**F12**and the **M3**Clerical Subscription Act 1865], and the **M4**Parliamentary Oaths Act 1866, [**F13**and the Scotland Act 1998,]or one of such Acts, any Act of Parliament, charter, or custom to the contrary notwithstanding; and no person shall be required or authorized to take the oath of assurance in Scotland.

**Textual Amendments**

- F11** Words repealed by [Statute Law \(Repeals\) Act 1981 \(c. 19\), s. 1\(1\), Sch. 1 Pt. VIII](#)
- F12** Words repealed (N.I.) by [Statute Law Revision \(Northern Ireland\) Act 1980 \(c. 59\), s. 1, Sch. Pt. III](#)
- F13** Words in s. 9 inserted (6.5.1999) by [S.I. 1999/1042, art. 3, Sch. 1 para. 2\(4\)](#)

**Marginal Citations**

- M3** [1865 c. 122.](#)
- M4** [1866 c. 19.](#)

*Miscellaneous Provisions as to Oaths*

10 **The name of the Sovereign for time being to be used in the oath.**

Where in any oath under this Act the name of Her present Majesty is expressed, the name of the Sovereign of this Kingdom for the time being shall be substituted from time to time.

11 ..... **F14**

**Textual Amendments**

- F14** [S. 11](#) repealed by [Administration of Justice Act 1977 \(c. 38\), Sch. 5 Pt. III](#)

## SCHEDULE

### FIRST PART ENGLAND

Section 5.

#### Modifications etc. (not altering text)

- C1 [Pt. I](#) extended by [Board of Agriculture Act 1889 \(c. 30\)](#), [s. 8\(2\)](#), [Ministry of Agriculture and Fisheries Act 1919 \(c. 91\)](#), [s. 1](#); [S.I. 1955/554](#) (1955 I, p. 1200), art. 3(1) and [Ministers of the Crown Act 1975 \(c. 26\)](#), [Sch. 1 para. 1](#)

First Lord of the Treasury. Chancellor of the Exchequer. Lord Chancellor. President of the Council. Lord Privy Seal.

Secretaries of State. . . . [F1](#) President of the Board of Trade . . . [F1](#) Lord Steward. Lord Chamberlain. Earl Marshal. Master of the Horse. . . . [F1](#) Chancellor of the Duchy of Lancaster Paymaster General . . . [F1](#)

The oath as to England is to be tendered by the Clerk of the Council, and taken in presence of Her Majesty in Council, or otherwise as Her Majesty shall direct.

Scotland

The Lord Keeper of the Great Seal. The Lord Keeper of the Privy Seal. The Lord Clerk Register. [[F2](#)The Advocate General for Scotland]. The Lord Justice Clerk.

The oath as to Scotland is to be tendered by the Lord President of the Court of Session at a sitting of the Court.

Ireland

. . . [F1](#)

#### Textual Amendments

- [F1](#) Entries repealed by [S.I. 1964/488](#), [Sch. 1 Pt. II](#), [1970/1681](#), Sch. 4, [Post Office Act 1969 \(c. 48\)](#), [Sch. 11 Pt. II](#) and [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XIV](#)
- [F2](#) Words in [Sch. Pt. I](#) substituted (6.5.1999) by [S.I. 1999/1042](#), art. 4, [Sch. 2 Pt. I para. 1](#)

## SECOND PART

Section 6.

#### Modifications etc. (not altering text)

- C2 Pt II of Schedule amended (E.W.) (1.4.1996) by [S.I. 1996/674](#), [regs. 1\(2\)](#), [2](#), [Sch. Pt. II](#), [para. 5\(2\)\(j\)](#)  
Pt II of Schedule amended (E.W.) (1.4.1996) by [S.I. 1996/675](#), [regs. 1\(2\)](#), [2](#), [Sch. Pt. II para. 7\(2\)\(j\)](#)
- C3 Pt. II extended by City of London (Courts) Act 1964 (c. IV), s. 15 and [Courts Act 1971 \(c. 23\)](#), [s. 22\(1\)](#)
- C4 Reference to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298: 1923, p. 400), art. 2
- C5 Entries relating to the Lord Chief Justice and the Master of the Rolls repealed (E.W.) by [Supreme Court Act 1981 \(c.54, SIF 37\)](#), [s. 152\(4\)](#), [Sch. 7](#)
- C6 By [Mental Health Act 1983 \(c. 20, SIF 85\)](#), [s. 93\(3\)](#), it is provided that this Act shall have effect as if the Officers named in the Second Part of the Schedule included the Master of the Court of Protection

England

[F3](#)...

#### Textual Amendments

**F3** Words in Sch. Pt. 2 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 17 para. 2](#), [Sch. 18 Pt. 4](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), [Sch. 1 paras. 28, 30\(d\)](#).

The Lord Chief Justice.

The Master of the Rolls.

... **F4**

#### Textual Amendments

**F4** Entries repealed by [Statute Law Revision Act 1893 \(c. 14\)](#) and [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), [Sch. 1 Pt. XIV](#)

... **F4**

The Recorder of London.

Justices of the Peace **F5**. . .

#### Textual Amendments

**F5** Words in Sch. Pt. II repealed (27.9.1999) by [1999 c. 22](#), ss. 106, 108(3)(f), [Sch. 15 Pt. V\(1\)](#) (with [Sch. 14 paras. 7\(2\), 36\(9\)](#)) and expressed to be repealed (27.9.1999) by [S.I. 1999/2657](#), [art. 2\(d\)\(iii\)](#)

Scotland

The Lord Justice-General and President of the Court of Session in Scotland, the Lord Justice Clerk of Scotland, the Judges of the Court of Session in Scotland [**F6**, temporary judges of the Court of Session and High Court of Justiciary appointed under section [**F7**20B(1) of the Judiciary and Courts (Scotland) Act 2008], [**F8**sheriffs principal of sheriffdoms], [**F9**sheriffs, part-time sheriffs ] [**F10**, summary sheriffs, part-time summary sheriffs] and Justices of the Peace . . . **F11**

#### Textual Amendments

**F6** Words in the second part of the Schedule inserted (S.) (1.4.1991) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1990 \(c.40, SIF 76:2\)](#), s. 74, [Sch. 8 Pt. II para. 23 S.I.](#) 1991/822 art. 3 Schedule

**F7** Words in Sch. Second Pt. substituted (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 5 para. 34](#); [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

**F8** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, [Sch. 1 para. 1](#)

**F9** Words in Sch. inserted (S.) (1.10.2009) by [Judiciary and Courts \(Scotland\) Act 2008 \(asp 6\)](#), ss. 27, 76(1); [S.S.I. 2009/318](#), [art. 2](#), [Sch.](#)

**F10** Words in Sch. Second Pt. inserted (S.) (1.4.2015) by [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#), s. 138(2), [Sch. 5 para. 1](#); [S.S.I. 2015/77](#), [art. 2\(2\)\(3\)](#), [Sch.](#)

**F11** Words repealed by [District Courts \(Scotland\) Act 1975 \(c. 20\)](#), [Sch. 2](#)

[**F12**Ireland]

#### Textual Amendments

**F12** Sch. Pt. II: entry relating to Ireland repealed (N.I.) (15.10.2002) by [2002 c. 26](#), s. 86, [Sch. 13](#); [S.R. 2002/319](#), [art. 2](#) Sch.

... **F13**

#### Textual Amendments

**F13** Entries repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#)

# SCHEDULES

## SCHEDULE 1

Section 6.

### PROVISIONS APPLYING TO CERTAIN MINISTERS AND THEIR DEPARTMENTS

- 1 The Minister shall take the oath of allegiance, and the official oath, and the **M1** Promissory Oaths Act 1868 shall have effect as if the name of the Minister were included in Part I of the Schedule to that Act.

#### Marginal Citations

**M1** [1868 c. 72.](#)

- 2 The Minister may appoint such secretaries, officers and servants as he may with the consent of the Minister for the Civil Service determine.
- 3 There shall be paid to the secretaries (other than any Parliamentary Secretary), officers and servants appointed by the Minister such salaries or remuneration as the Minister for the Civil Service may determine.
- 4 The expenses of the Minister, including any salaries or remuneration payable under paragraph 3 of this Schedule, shall be defrayed out of money provided by Parliament.
- 5 The Minister shall for all purposes be a corporation sole, and shall have an official seal, which shall be authenticated by the signature of the Minister or of a secretary to the Ministry or of any person authorised by the Minister to act in that behalf.
- 6 The seal of the Minister shall be officially and judicially noticed, and every document purporting to be an instrument made or issued by the Minister and to be sealed with the seal of the Minister authenticated in the manner provided by paragraph 5 of this Schedule or to be signed or executed by a secretary to the Ministry or any person authorised as aforesaid, shall be received in evidence and be deemed to be so made or issued without further proof, unless the contrary is shown.
- 7 A certificate signed by the Minister that any instrument purporting to be made or issued by him was so made or issued shall be conclusive evidence of that fact.
- 8 The **M2** Documentary Evidence Act 1868 shall apply to the Minister as if his name were included in the first column of the Schedule to that Act, and as if he or a secretary to the Ministry or any person authorised by him to act on his behalf were mentioned in the second column of that Schedule, and as if the regulations referred to in that Act included any document issued by the Minister.

#### Marginal Citations

**M2** [1868 c. 37.](#)

**[E14 MPs' salaries**

- (1) Members of the House of Commons are to receive a salary for the relevant period.
- (2) The salaries are to be paid by the IPSA.
- (3) Salaries are to be paid on a monthly basis in arrears.
- (4) The amounts of the salaries are to be determined by the IPSA (see section 4A).
- (5) "Relevant period", in relation to a person who is a member of the House of Commons, means the period beginning with the day after the day of the poll for the parliamentary election at which the member was elected and ending with—
  - (a) if the person is a member immediately before Parliament is dissolved, the day of the poll for the parliamentary general election which follows the dissolution;
  - (b) otherwise, the day on which the person ceases to be a member.
- (6) No payment of salary is to be made to a member before the member has made and subscribed the oath required by the Parliamentary Oaths Act 1866 (or the corresponding affirmation).
- (7) The duty of the IPSA to pay a salary to a member is subject to anything done in relation to the member in the exercise of the disciplinary powers of the House of Commons.]

**Textual Amendments**

- F1** S. 4, 4A substituted for s. 4 (24.5.2011) by [Constitutional Reform and Governance Act 2010 \(c. 25\)](#), **ss. 29, 52**; [S.I. 2011/1274](#), **art. 2(a)**.

**Commencement Information**

- I1** S. 4 in force at 7.5.2010 by [S.I. 2010/1033](#), **art. 3(a)**.

PART 1  
THE CIVIL SERVICE

CHAPTER 1

STATUTORY BASIS FOR MANAGEMENT OF THE CIVIL SERVICE

*Power to manage the civil service*

**3 Management of the civil service**

- (1) The Minister for the Civil Service has the power to manage the civil service (excluding the diplomatic service).
- (2) The Secretary of State has the power to manage the diplomatic service.
- (3) The powers in subsections (1) and (2) include (among other things) power to make appointments.
- (4) But they do not cover national security vetting (and, accordingly, subsections (1) and (2) do not affect any power relating to national security vetting).
- (5) The agreement of the Minister for the Civil Service is required for any exercise of the power in subsection (2) in relation to—
  - (a) remuneration of civil servants (including compensation payable on leaving the civil service), or
  - (b) the conditions on which a civil servant may retire.
- (6) In exercising his power to manage the civil service, the Minister for the Civil Service shall have regard to the need to ensure that civil servants who advise Ministers are aware of the constitutional significance of Parliament and of the conventions governing the relationship between Parliament and Her Majesty's Government.

**Commencement Information**

I1 [S. 3](#) in force at 11.11.2010 by [S.I. 2010/2703](#), [art. 2\(a\)](#)



# SCHEDULES

## SCHEDULE 1

### THE ARTICLES

#### PART I

#### THE CONVENTION

#### RIGHTS AND FREEDOMS

#### *ARTICLE 10*

#### Freedom of expression

- 1 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
- 2 The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

PART 1  
THE RULE OF LAW

**1      The rule of law**

This Act does not adversely affect—

- (a) the existing constitutional principle of the rule of law, or
- (b) the Lord Chancellor's existing constitutional role in relation to that principle.

## PART 5

### GENERAL AND FINAL PROVISION

#### *Parliamentary sovereignty*

#### **38 Parliamentary sovereignty**

- (1) It is recognised that the Parliament of the United Kingdom is sovereign.
- (2) In particular, its sovereignty subsists notwithstanding—
  - (a) directly applicable or directly effective EU law continuing to be recognised and available in domestic law by virtue of section 1A or 1B of the European Union (Withdrawal) Act 2018 (savings of existing law for the implementation period),
  - (b) section 7A of that Act (other directly applicable or directly effective aspects of the withdrawal agreement),
  - (c) section 7B of that Act (deemed direct applicability or direct effect in relation to the EEA EFTA separation agreement and the Swiss citizens' rights agreement), and
  - (d) section 7C of that Act (interpretation of law relating to the withdrawal agreement (other than the implementation period), the EEA EFTA separation agreement and the Swiss citizens' rights agreement).
- (3) Accordingly, nothing in this Act derogates from the sovereignty of the Parliament of the United Kingdom.

**22 Short title, commencement, application and extent.**

- (1) This Act may be cited as the Human Rights Act 1998.
- (2) Sections 18, 20 and 21(5) and this section come into force on the passing of this Act.
- (3) The other provisions of this Act come into force on such day as the Secretary of State may by order appoint; and different days may be appointed for different purposes.
- (4) Paragraph (b) of subsection (1) of section 7 applies to proceedings brought by or at the instigation of a public authority whenever the act in question took place; but otherwise that subsection does not apply to an act taking place before the coming into force of that section.
- [F1]**(4A) Section 7A (limitation: overseas armed forces proceedings) applies to proceedings brought under section 7(1) (a) on or after the date on which section 7A comes into force, whenever the act in question took place.]
- (5) This Act binds the Crown.
- (6) This Act extends to Northern Ireland.

**F2**(7) .....

**Subordinate Legislation Made**

- P1 S. 22(3) power partly exercised: 24.11.1998 appointed for specified provisions by [S.I. 1998/2882](#), [art. 2](#)  
S. 22(3) power fully exercised: 2.10.2000 appointed for remaining provisions by [S.I. 2000/1851](#), [art. 2](#)

**Textual Amendments**

- F1** S. 22(4A) inserted (30.6.2021) by [Overseas Operations \(Service Personnel and Veterans\) Act 2021 \(c. 23\)](#), [ss. 11\(3\), 14\(2\)](#); [S.I. 2021/678](#), [reg. 2](#)
- F2** S. 22(7) repealed (28.3.2009 for certain purposes and 31.10.2009 otherwise) by [Armed Forces Act 2006 \(c. 52\)](#), [ss. 378, 383](#), [Sch. 17](#); [S.I. 2009/812](#), [art. 3](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), [art. 4](#)

# SCHEDULES

## SCHEDULE 1

Section 5.

### WORDS AND EXPRESSIONS DEFINED

#### Modifications etc. (not altering text)

- C1 Sch. 1 excluded in part (6.4.2003 with effect in accordance with s. 723(1) of the excluding Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [s. 721\(6\)\(b\)](#) (subject to [Sch. 7](#))

*Note:* The years or dates which follow certain entries in this Schedule are relevant for the purposes of paragraph 4 of Schedule 2 (application to existing enactments).

#### *Definitions*

**[F1**“Act” means an Act of Parliament.]

“Associated state” means a territory maintaining a status of association with the United Kingdom in accordance with the **M1**West Indies Act 1967. [16th February 1967]

“Bank of England” means, as the context requires, the Governor and Company of the Bank of England or the bank of the Governor and Company of the Bank of England.

“Bank of Ireland” means, as the context requires, the Governor and Company of the Bank of Ireland or the bank of the Governor and Company of the Bank of Ireland.

“British Islands” means the United Kingdom, the Channel Islands and the Isle of Man. [1889]

**[F2**“British overseas territory” has the same meaning as in the British Nationality Act 1981;]

“British possession” means any part of Her Majesty’s dominions outside the United Kingdom; and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed, for the purposes of this definition, to be one British possession. [1889]

**F3**. . . . .

“Building regulations”, in relation to England and Wales, **[F4**has the meaning given by section 122 of the Building Act 1984]

“Central funds”, in an enactment providing in relation to England and Wales for the payment of costs out of central funds, means money provided by Parliament.

**[F5**“Charity Commission” means the Charity Commission for England and Wales (see section 13 of the Charities Act 2011).]

“Church Commissioners” means the Commissioners constituted by the **M2**Church Commissioners Measure 1947.

**[F6**“Civil partnership” means a civil partnership which exists under or by virtue of the Civil Partnership Act 2004 (and any reference to a civil partner is to be read accordingly).]

“Colonial legislature”, and “legislature” in relation to a British possession, mean the authority, other than the Parliament of the United Kingdom or Her Majesty in Council, competent to make laws for the possession. [1889]

“Colony” means any part of Her Majesty’s dominions outside the British Islands except—

- (a) countries having fully responsible status within the Commonwealth;
- (b) territories for whose external relations a country other than the United Kingdom is responsible;
- (c) associated states:

and where parts of such dominions are under both a central and a local legislature, all parts under the central legislature are deemed for the purposes of this definition to be one colony.  
[1889]

“Commencement”, in relation to an Act or enactment, means the time when the Act or enactment comes into force.

“Committed for trial” means—

- (a) **[F7]**in relation to England and Wales, committed in custody or on bail by a magistrates’ court pursuant to **[F8]**section 6 of the Magistrates’ Courts Act 1980, or by any judge or other authority having power to do so, with a view to trial before a judge and jury; [1889]
- (b) in relation to Northern Ireland, committed in custody or on bail by a magistrates’ court pursuant to **[F9]**Article 37 of the Magistrates’ Courts (Northern Ireland) Order 1981, or by a court, judge, resident magistrate **F10**... or other authority having power to do so, with a view to trial on indictment. [1st January 1979]

**F11**. . . . .

“Comptroller and Auditor General” means the Comptroller-General of the receipt and issue of Her Majesty’s Exchequer and Auditor-General of Public Accounts **F12**....

“Consular officer” has the meaning assigned by Article 1 of the Vienna Convention set out in Schedule 1 to the **M3**Consular Relations Act 1968.

**[F13]**“The Corporation Tax Acts” means the enactments relating to the taxation of the income and chargeable gains of companies and of company distributions (including provisions relating to income tax);

“County court” means—

- (a) in relation to England and Wales, **[F14]**the county court established under section A1 of **[F15]**the County Courts Act 1984; [1846]
- (b) in relation to Northern Ireland, a court held **[F16]**for a division under the County Courts **[F17]**(Northern Ireland) Order 1980. [1889]

“Court of Appeal” means—

- (a) in relation to England and Wales, Her Majesty’s Court of Appeal in England;
- (b) in relation to Northern Ireland, Her Majesty’s Court of Appeal in Northern Ireland.

**[F18]**“Court of Judicature” means the Court of Judicature of Northern Ireland.]

“Court of summary jurisdiction”, “summary conviction” and “Summary Jurisdiction Acts”, in relation to Northern Ireland, have the same meanings as in Measures of the Northern Ireland Assembly and Acts of the Parliament of Northern Ireland.

“Crown Court” means—

- (a) in relation to England and Wales, the Crown Court constituted by section 4 of the **M4**Crown Courts Act 1971;
- (b) in relation to Northern Ireland, the Crown Court constituted by section 4 of the **M5**Judicature (Northern Ireland) Act 1978.

“Crown Estate Commissioners” means the Commissioners referred to in section 1 of the **M6**Crown Estate Act 1961.

**F19**.....

**F20**.....

**[F21**“Enactment” **[F22** includes any retained direct EU legislation but**]** does not include an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.**]**

“England” means, subject to any alteration of boundaries under Part IV of the **M7**Local Government Act 1972, the area consisting of the counties established by section 1 of that Act, Greater London and the Isles of Scilly. [1st April 1974].

“Financial year” means, in relation to matters relating to the Consolidated Fund, the National Loans Fund, or moneys provided by Parliament, or to the Exchequer or to central taxes or finance, the twelve months ending with 31st March. [1889]

“Governor-General” includes any person who for the time being has the powers of the Governor-General, and “Governor”, in relation to any British possession, includes the officer for the time being administering the government of that possession. [1889]

**[F23**“Her Majesty’s Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005.**]**

“High Court” means—

- (a) in relation to England and Wales, Her Majesty’s High Court of Justice in England;
- (b) in relation to Northern Ireland, Her Majesty’s High Court of Justice in Northern Ireland.

**[F24**“The Immigration Acts” has the meaning given by **[F25**section 61 of the UK Borders Act 2007**].**

“The Income Tax Acts” means all enactments relating to income tax, including any provisions of the Corporation Tax Acts which relate to income tax.

“Land” includes building and other structures, land covered with water, and any estate, interest, easement, servitude or right in or over land. [1st January 1979].

“Lands Clauses Acts” means—

- (a) in relation to England and Wales, the **M8**Lands Clauses Consolidation Act 1845 and the **M9**Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts; [1889]
- (b) in relation to Scotland, the **M10**Lands Clauses Consolidation (Scotland) Act 1845 and the **M11**Lands Clauses Consolidation Acts Amendment Act 1860, and any Acts for the time being in force amending those Acts; [1889]
- (c) in relation to Northern Ireland, the enactments defined as such by section 46(1) of the **M12**Interpretation Act Northern Ireland) 1954. [1889]

“Local land charges register”, in relation to England and Wales, means **[F26**the register**]** kept pursuant to section 3 of the **M13**Local Land Charges Act 1975, **F27**...

**[F28**“Local policing body” has the meaning given by section 101(1) of the Police Act 1996.**]**

“London borough” means a borough described in Schedule 1 to the **M14**London Government Act 1963, “inner London borough” means one of the boroughs so described and numbered from 1 to 12 and “outer London borough” means one of the boroughs so described and numbered from 13 to 32, subject (in each case) to any alterations made under Part IV of the **M15**Local Government Act 1972 **[F29**, Part 2 of the Local Government Act 1992 or Part 1 of the Local Government and Public Involvement in Health Act 2007**].**

“Lord Chancellor” means the Lord High Chancellor of Great Britain.

“Magistrates’ court” has the meaning assigned to it—

- (a) in relation to England and Wales, by **[F30]**section 148 of the Magistrates' Courts Act 1980];
- (b) in relation to Northern Ireland, by **[F31]**Article 2(2) of the Magistrates' Courts (Northern Ireland) Order 1981].

"Month" means calendar month. [1850]

"National Debt Commissioners" means the Commissioners for the Reduction of the National Debt.

"Northern Ireland legislation" has the meaning assigned by section 24(5) of this Act. [1st January 1979]

"Oath" and "affidavit" include affirmation and declaration, and "swear" includes affirm and declare.

**[F32]**"Officer of a provider of probation services" in relation to England and Wales, has the meaning given by section 9(1) of the Offender Management Act 2007;" and]

**[F33]**"Officer of Revenue and Customs" has the meaning given by section 2(1) of the Commissioners for Revenue and Customs Act 2005.]

"Ordnance Map" means a map made under powers conferred by the **M16**Ordnance Survey Act 1841 or the **M17**Boundary Survey (Ireland) Act 1854.

"Parliamentary Election" means the election of a Member to serve in Parliament for a constituency. [1889]

**[F34]**"PAYE income" has the meaning given by section 683 of the Income Tax (Earnings and Pensions) Act 2003.

"PAYE regulations" means regulations under section 684 of that Act.]

"Person" includes a body of persons corporate or unincorporate. [1889]

**[F35]**"Police and crime commissioner" means a police and crime commissioner established under section 1 of the Police Reform and Social Responsibility Act 2011.].

"Police area" **F36**... and other expressions relating to the police have the meaning or effect described—

- (a) in relation to England and Wales, by **[F37]**section 101(1) of the Police Act 1996];

- (b) **F38**. . . . .

**F39**. . . . .

**[F40]**"Police Service of Northern Ireland" and "Police Service of Northern Ireland Reserve" have the same meaning as in the Police (Northern Ireland) Act 2000;]

"The Privy Council" means the Lords and others of Her Majesty's Most Honourable Privy Council.

**[F41]**"Provider of probation services", in relation to England and Wales, has the meaning given by section 3(6) of the Offender Management Act 2007;".]

**[F42]**"Registered" in relation to nurses, to midwives or to nursing associates, means registered in the register maintained under article 5 of the Nursing and Midwifery Order 2001 by virtue of a qualification which is an approved qualification for the purposes of registration in the relevant part of that register.].

**[F43]**"Registered medical practitioner" means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act.].

**[F44]**"Registered provider of social housing" and "private registered provider of social housing" have the meanings given by section 80 of the Housing and Regeneration Act 2008 (and "non-



profit” and “profit-making” in connection with a registered provider are to be read in accordance with section 115 of that Act).]

“Rules of Court” in relation to any court means rules made by the authority having power to make rules or orders regulating the practice and procedure of that court, and in Scotland includes Acts of Adjournal and Acts of Sederunt; and the power of the authority to make rules of court (as above defined) includes power to make such rules for the purpose of any Act which directs or authorises anything to be done by rules of court. [1889]

“Secretary of State” means one of Her Majesty’s Principal Secretaries of State.

**[F45]**“Senior Courts” means the Senior Courts of England and Wales.]

**[F46]**“Sent for trial” means, in relation to England and Wales, sent by a magistrates’ court to the Crown Court for trial pursuant to section 51 or 51A of the Crime and Disorder Act 1998.]

**[F47]**“The Sentencing Code” means the code contained in the Sentencing Act 2020 (see section 1 of that Act).]

**[F48]**“Sewerage undertaker”, in relation to England and Wales, shall be construed in accordance with section 6 of the Water Industry Act 1991].

**[F49]**“Sheriff” is to be construed in accordance with section 134(2) and (3) of the Courts Reform (Scotland) Act 2014.]

**[F50]**“The standard scale”, with reference to a fine or penalty for an offence triable only summarily,—

- (a) in relation to England and Wales, **[F51]** has the meaning given by section 122 of the Sentencing Code (or, in the case of an offence of which the offender was convicted before that Act came into force, section 37 of the Criminal Justice Act 1982)];
- (b) in relation to Scotland, has the meaning given by section 225(1) of the Criminal Procedure (Scotland) Act 1995];
- (c) in relation to Northern Ireland, has the meaning given by Article 5 of the **M18** Fines and Penalties (Northern Ireland) Order 1984.

“Statutory declaration” means a declaration made by virtue of the **M19** Statutory Declarations Act 1835.

**[F52]**“Statutory maximum”, with reference to a fine or penalty on summary conviction for an offence,—

- (a) in relation to England and Wales, means the prescribed sum within the meaning of section 32 of the **M20** Magistrates’ Courts Act 1980;
- (b) in relation to Scotland, means the prescribed sum within the meaning of section 225(8) of the Criminal Procedure (Scotland) Act 1995]; and
- (c) in relation to Northern Ireland, means the prescribed sum within the meaning of Article 4 of the Fines and Penalties (Northern Ireland) Order 1984.

**[F53]**“Supreme Court” means the Supreme Court of the United Kingdom.]

**[F54]**“The Tax Acts” means the Income Tax Acts and the Corporation Tax Acts.]

“The Treasury” means the Commissioners of Her Majesty’s Treasury.

**[F55]**“Trust of land” and “trustees of land”, in relation to England and Wales, have the same meanings as in the Trusts of Land and Appointment of Trustees Act 1996.]

“United Kingdom” means Great Britain and Northern Ireland. [12th April 1927]

**[F56]**“Wales” means the combined area of the counties which were created by section 20 of the **M21** Local Government Act 1972, as originally enacted, but subject to any alteration made under section 73 of that Act (consequential alteration of boundary following alteration of watercourse).]

[F57 "Water undertaker", in relation to England and Wales, shall be construed in accordance with section 6 of the Water Industry Act 1991].

"Writing" includes typing, printing, lithography, photography and other modes of representing or reproducing words in a visible form, and expressions referring to writing are construed accordingly.

## Textual Amendments

- F1** In Sch. 1 definition of "Act" inserted (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 16\(3\)](#) (with [s. 126\(3\)-\(11\)](#)); [S.I. 1998/3178, art. 2](#)
- F2** Sch. 1: definition of "British overseas territory" inserted (26.2.2002) by [2002 c. 8, s. 1\(3\)](#)
- F3** Entry repealed by [British Nationality Act 1981 \(c. 61, SIF 87\), s. 52\(8\), Sch. 9](#)
- F4** Words substituted by [Building Act 1984 \(c. 55, SIF 15\), s. 133\(1\), Sch. 6 para. 19](#)
- F5** Sch. 1: definition of "Charity Commission" substituted (14.3.2012) by [Charities Act 2011 \(c. 25\), ss. 354, 355, Sch. 7 para. 35](#) (with [s. 20\(2\), Sch. 8](#))
- F6** In Sch. 1 definition of "civil partnership" inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), ss. 261\(1\), 263\(10\), Sch. 27 para. 59; S.I. 2005/3175, art. 2\(2\)](#)
- F7** Sch. 1: words repealed (18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\), ss. 41, 332, 336\(3\)\(4\), Sch. 3 para. 49\(a\), Sch. 37 Pt. 4; S.I. 2012/1320, art. 4\(1\)\(c\)\(d\)\(2\)\(3\)](#) (with [art. 5](#)); [S.I. 2012/2574, art. 2\(c\)\(d\)\(2\)\(3\), Sch. \(with arts. 3, 4\)](#) (as amended (4.11.2012) by [S.I. 2012/2761, art. 2](#)) (with [S.I. 2013/1103, art. 4](#)); [S.I. 2013/1103, art. 2\(1\)\(c\)\(d\)\(2\)\(3\)](#) (with [arts. 3, 4](#))
- F8** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\), s. 154, Sch. 7 para. 169\(a\)](#)
- F9** Words substituted by [S.I. 1981/1675 \(N.I. 26\), s. 170\(2\), Sch. 6 para. 56\(a\)](#)
- F10** In Sch. 1 in paragraph (b) of definition of "committed for trial" words repealed (1.4.2005) by [Justice \(Northern Ireland\) Act 2002 \(c. 26\), ss. 86, 87, Sch. 13; S.R. 2005/109, art. 2, Sch.](#)
- F11** Words in Sch. 1 omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 22\(a\)](#) (with [s. 19, Sch. 7 para. 26, Sch. 8 para. 37](#)); [S.I. 2020/1622, reg. 3\(n\)](#) (with [regs. 7, 22](#))
- F12** Words in Sch. 1 repealed (1.4.2012) by [Budget Responsibility and National Audit Act 2011 \(c. 4\), s. 29, Sch. 5 para. 12; S.I. 2011/2576, art. 5](#)
- F13** Definition substituted by [Finance Act 1987 \(c. 16, SIF 63:1\), ss. 2\(8\), 71, Sch. 15 para. 12](#)
- F14** Words in Sch. 1 substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\), s. 61\(3\), Sch. 9 para. 94; S.I. 2014/954, art. 2\(c\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F15** Words substituted by [County Courts Act 1984 \(c. 28, SIF 34\), s. 148\(1\), Sch. 2 Pt. V para. 68](#)
- F16** Words in Sch. 1 repealed (N.I.) (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 75, Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with [art. 3](#))
- F17** Words substituted by [S.I. 1980/397 \(N.I. 3\), Sch. 1 Pt. II](#)
- F18** In Sch. 1 definition of "Court of Judicature" inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\), ss. 59\(5\), 148\(1\), Sch. 11 para. 24\(b\); S.I. 2009/1604, art. 2](#)
- F19** Words in Sch. 1 omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 22\(b\)](#) (with [s. 19, Sch. 7 para. 26, Sch. 8 para. 37](#)); [S.I. 2020/1622, reg. 3\(n\)](#) (with [regs. 7, 22](#))
- F20** Words in Sch. 1 omitted (31.12.2020) by virtue of [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 22\(c\)](#) (with [s. 19, Sch. 7 para. 26, Sch. 8 para. 37](#)); [S.I. 2020/1622, reg. 3\(n\)](#) (with [regs. 7, 22](#))
- F21** In Sch. 1 definition of "enactment" inserted (1.7.1999) by [1998 c. 46, s. 125, Sch. 8 para. 16\(3\)](#) (with [s. 126\(3\)-\(11\)](#)); [S.I. 1998/3178, art. 2](#)
- F22** Words in Sch. 1 inserted (4.7.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\), s. 25\(4\), Sch. 8 para. 22\(d\)](#) (with [s. 19, Sch. 7 para. 26, Sch. 8 para. 37](#)); [S.I. 2018/808, reg. 3\(g\), \(iii\); S.I. 2020/1622, reg. 3\(n\)](#) (with [reg. 7](#))
- F23** In Sch. 1 definition of "Her Majesty's Revenue and Customs" inserted (7.4.2005 at 5.45 p.m.) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), ss. 4\(3\), 53; S.I. 2005/1126, art. 2](#)
- F24** In Sch. 1 definition of "the immigration acts" inserted (30.3.2006) by [Immigration, Asylum and Nationality Act 2006 \(c. 13\), s. 64\(4\)](#)
- F25** Sch. 1: words in definition of "The Immigration Acts" substituted (30.10.2007) by [UK Borders Act 2007 \(c. 30\), ss. 59\(2\), 61\(4\)](#)

- F26** Words in Sch. 1 substituted (12.4.2015) by [Infrastructure Act 2015 \(c. 7\)](#), [s. 57\(5\)\(e\)](#), [Sch. 5 para. 34\(a\)](#) (with [Sch. 5 Pt. 4](#))
- F27** Words in Sch. 1 omitted (12.4.2015) by virtue of [Infrastructure Act 2015 \(c. 7\)](#), [s. 57\(5\)\(e\)](#), [Sch. 5 para. 34\(b\)](#) (with [Sch. 5 Pt. 4](#))
- F28** Sch. 1: definition inserted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 97\(2\)](#), [157\(1\)](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)
- F29** Sch. 1: words in definition of "London borough" substituted (1.11.2007 with application as mentioned in art. 1(1) of the commencing S.I.) by Local Government and Public Involvement in [Health Act 2007 \(c. 28\)](#), [ss. 22](#), [245](#), [Sch. 1 para. 14](#); [S.I. 2007/3136](#), [art. 2](#) (subject to [art. 3](#))
- F30** Words substituted by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), [s. 154](#), [Sch. 7 para. 169\(b\)](#)
- F31** Words substituted by [S.I. 1981/1675 \(N.I. 26\)](#), [s. 170\(2\)](#), [Sch. 6 para. 56\(b\)](#)
- F32** Sch. 1: definition of "Officer of a provider of probation services" inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 39](#), [41\(1\)](#), [Sch. 3 para. 2](#); [S.I. 2008/504](#), [art. 3\(k\)\(l\)](#)
- F33** In Sch. 1 definition of "Officer of Revenue and Customs" inserted (7.4.2005 at 5.45 p.m.) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), [ss. 2\(7\)](#), [53](#); [S.I. 2005/1126](#), [art. 2](#)
- F34** In Sch. 1 definitions of "PAYE income" and "PAYE regulations" inserted (6.4.2003 with effect as mentioned in s. 723(1)(a)(b) of amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [ss. 722](#), [723](#), [Sch. 6 Pt. 2 para. 148](#) (subject to [Sch. 7](#))
- F35** Words in Sch. 1 inserted (22.11.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [s. 97\(3\)](#), [157\(1\)](#); [S.I. 2012/2892](#), [art. 2\(a\)](#)
- F36** Sch. 1: words omitted (16.1.2012) by virtue of [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), [ss. 97\(4\)](#), [157\(1\)](#); [S.I. 2011/3019](#), [art. 3](#), [Sch. 1](#)
- F37** In Sch. 1 in definition of "police area" words substituted (22.8.1996) by [1996 c. 16](#), [ss. 103](#), [104\(1\)](#), [Sch. 7 Pt. II para. 32](#)
- F38** Words in Sch. 1 omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 15\(2\)\(a\)](#)
- F39** Words in Sch. 1 omitted (1.4.2013) by virtue of [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 15\(2\)\(b\)](#)
- F40** Sch. 1: definitions of "Police Service of Northern Ireland" and "Police Service of Northern Ireland Reserve" inserted (4.11.2001) by [2000 c. 32](#), [s. 74](#), [Sch. 6](#), [para. 5](#); [S.R. 2001/396](#), [art. 2](#), [Sch.](#)
- F41** Sch. 1: definition of "Provider of probation services" inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), [ss. 39](#), [41\(1\)](#), [Sch. 3 para. 2](#); [S.I. 2008/504](#), [art. 3\(k\)\(l\)](#)
- F42** Words in Sch. 1 substituted (28.1.2019) by [The Nursing and Midwifery \(Amendment\) Order 2018 \(S.I. 2018/838\)](#), [art. 1\(3\)](#), [Sch. 3 para. 1](#)
- F43** Sch. 1: definition of "registered medical practitioner" substituted by [S.I. 2002/3135](#), [art. 16\(1\)](#), [Sch. 1 para. 10](#) (with transitional provisions in [Sch. 2](#)) (the amendment coming into force in accordance with art. 1(2)(3) of the amending S.I.)
- F44** Sch. 1: definition of "registered provider of social housing" inserted (1.4.2010) by [Housing and Regeneration Act 2008 \(c. 17\)](#), [ss. 277](#), [325\(1\)](#), [Sch. 9 para. 5](#); [S.I. 2010/862](#), [arts. 1\(2\)](#), [2](#) (subject to [Sch.](#)); and definition of "registered provider of social housing" and "private registered provider of social housing" immediately substituted (1.4.2010) for that definition by [The Housing and Regeneration Act 2008 \(Registration of Local Authorities\) Order 2010 \(S.I. 2010/844\)](#), [arts. 1\(2\)](#), [6](#), [Sch. 2 para. 1](#)
- F45** In Sch. 1 definition of "Senior Courts" inserted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 59\(5\)](#), [148\(1\)](#), [Sch. 11 para. 24\(b\)](#); [S.I. 2009/1604](#), [art. 2](#)
- F46** In Sch. 1 definition of "sent for trial" inserted (9.5.2005 for specified purposes, 18.6.2012 for specified purposes, 5.11.2012 for specified purposes, 28.5.2013 for specified purposes) by [Criminal Justice Act 2003 \(c. 44\)](#), [ss. 41](#), [336\(3\)](#), [Sch. 3 Pt. 2 para. 49\(b\)](#); [S.I. 2005/1267](#), [art. 2](#), [Sch. Pt. 1 para. 1\(1\)\(h\)](#); [S.I. 2012/1320](#), [art. 4\(1\)\(c\)\(2\)\(3\)](#) (with [art. 5](#)) (see [S.I. 2012/2574](#), [art. 4\(2\)](#) and [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2012/2574](#), [art. 2\(c\)\(2\)\(3\)](#), [Sch.](#) (with [arts. 3](#), [4](#)) (as amended (4.11.2012) by [S.I. 2012/2761](#), [art. 2](#)) (with [S.I. 2013/1103](#), [art. 4](#)); [S.I. 2013/1103](#), [art. 2\(1\)\(c\)\(2\)\(3\)](#) (with [arts. 3](#), [4](#))
- F47** Words in Sch. 1 inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 24 para. 39\(2\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)
- F48** Definition inserted (E.W.) by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)-\(10\)](#), [190](#), [193\(1\)](#), [Sch. 25 para. 55\(2\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)
- F49** Words in Sch. 1 substituted (1.4.2015) by [The Courts Reform \(Scotland\) Act 2014 \(Consequential Provisions and Modifications\) Order 2015 \(S.I. 2015/700\)](#), [art. 1\(11\)\(h\)](#), [Sch. para. 10](#)
- F50** Definition inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [ss. 123\(6\)](#), [170\(1\)](#), [Sch. 8 para. 16](#), [Sch. 15 para. 58\(a\)](#)
- F51** Words in Sch. 1 substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), [s. 416\(1\)](#), [Sch. 24 para. 39\(3\)](#) (with [Sch. 27](#)); [S.I. 2020/1236](#), [reg. 2](#)
- F52** Definition inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [ss. 123\(6\)](#), [170\(1\)](#), [Sch. 8 para. 16](#), [Sch. 15 para. 58\(b\)](#)

- F53** In Sch. 1 definition of "Supreme Court" substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), [ss. 59\(5\)](#), [148\(1\)](#), [Sch. 11 para. 24\(a\)](#); [S.I. 2009/1604](#), [art. 2](#)
- F54** Definition substituted by [Finance Act 1987 \(c. 16, SIF 63:1\)](#), [ss. 2\(8\)](#), [71](#), [Sch. 15 para. 12](#)
- F55** In Sch. 1 definitions of "trust of land" and "trustees of land" inserted (E.W.) (1.1.1997) by [1996 c. 47](#), [s. 25\(1\)](#), [Sch. 3 para. 16](#) (with [ss. 24\(2\)](#), [25\(4\)\(5\)](#)); [S.I. 1996/2974](#), [art. 2](#)
- F56** Definition of "Wales" in Sch. 1 substituted (3.4.1995) by [1994 c. 19](#), [s. 1\(3\)](#), [Sch. 2 para. 9](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 para. 22\(1\)](#), [23\(2\)](#)); [S.I. 1995/852](#), [art. 3](#), [Sch. 1](#)
- F57** Definition substituted by [Water Act 1989 \(c. 15, SIF 130\)](#), [ss. 58\(7\)](#), [101\(1\)](#), [141\(6\)](#), [160\(1\)\(2\)\(4\)](#), [163](#), [189\(4\)-\(10\)](#), [190](#), [193\(1\)](#), [Sch. 25 para. 55\(3\)](#), [Sch. 26 paras. 3\(1\)\(2\)](#), [17](#), [40\(4\)](#), [57\(6\)](#), [58](#)

#### Marginal Citations

- M1** [1967 c. 4](#).
- M2** 1947 C.A.M. No. 2.
- M3** [1968 c. 18](#).
- M4** [1971 c. 23](#).
- M5** [1978 c. 23](#).
- M6** [1961 c. 55](#).
- M7** [1972 c. 70](#).
- M8** [1845 c. 18](#).
- M9** [1860 c. 106](#).
- M10** [1845 c. 19](#).
- M11** [1860 c. 106](#).
- M12** [1954 c. 33 \(N.I.\)](#).
- M13** [1975 c. 76](#).
- M14** [1963 c. 33](#).
- M15** [1972 c. 70](#).
- M16** [1841 c. 30](#).
- M17** [1854 c. 17](#).
- M18** [S.I. 1984/703 \(N.I. 3\)](#).
- M19** [1835 c. 62](#).
- M20** [1980 c. 43 \(82\)](#).
- M21** [1972 c. 70](#).

**F58**...

#### Textual Amendments

- F58** Entry repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108\(6\)\(7\)](#), [Sch.15](#) (Sch. 14 paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#).

**F59** .....

#### Textual Amendments

- F59** Entry repealed (E.W.) (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108](#) (6)(7) (Sch. 14 paras. 1(1), 27(4)) Sch.15; [S.I. 1991/828](#), [art. 3\(2\)](#).

In relation to England and Wales—

- (a) “indictable offence” means an offence which, if committed by an adult, is triable on indictment, whether it is exclusively so triable or triable either way;
- (b) “summary offence” means an offence which, if committed by an adult, is triable only summarily;
- (c) “offence triable either way” means an offence **[F60]**, other than an offence triable on indictment only by virtue of Part V of the Criminal Justice Act 1988] which, if committed by an adult, is triable either on indictment or summarily;

and the terms “indictable”, “summary” and “triable either way”, in their application to offences, are to be construed accordingly.

In the above definitions references to the way or ways in which an offence is triable are to be construed without regard to the effect, if any, of **[F61]** section 22 of the Magistrates’ Courts Act 1980] on the mode of trial in a particular case.

#### Textual Amendments

**F60** Words inserted by [Criminal Justice Act 1988 \(c. 33, SIF 39:1\)](#), [ss. 123\(6\)](#), [170](#), [Sch. 8 para. 16](#), [Sch. 15 para. 59](#)

**F61** Words substituted by [Magistrates’ Courts Act 1980 \(c. 43, SIF 82\)](#), [s. 154](#), [Sch. 7 para. 169\(c\)](#)

#### **[F62]** *Construction of certain references to relationships*

#### Textual Amendments

**F62** Entry added (E.W.) by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [s. 33\(1\)\(2\)](#), [Sch. 2 para. 73](#), [Sch. 3 paras. 1, 6](#)

In relation to England and Wales—

- (a) references (however expressed) to any relationship between two persons;
  - (b) references to a person whose father and mother were or were not married to **[F63]**, or civil partners of,] each other at the time of his birth; and
  - (c) references cognate with references falling within paragraph (b) above,
- shall be construed in accordance with section 1 of the Family Law Reform Act 1987. [The date of the coming into force of that section]]

#### Textual Amendments

**F63** Words in Sch. 1 inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), [reg. 1\(2\)](#), [Sch. 3 para. 6](#)

#### Modifications etc. (not altering text)

**C2** Paragraph excluded by [Income and Corporation Taxes Act 1988 \(c. 1, SIF 63:1\)](#), [s. 831\(4\)](#)

#### **[F64]** *Construction of certain expressions relating to the police: Scotland*

#### Textual Amendments

**F64** Words in Sch. 1 inserted (1.4.2013) by [The Police and Fire Reform \(Scotland\) Act 2012 \(Consequential Provisions and Modifications\) Order 2013 \(S.I. 2013/602\)](#), [art. 1\(2\)](#), [Sch. 2 para. 15\(3\)](#)

In relation to Scotland—

- (a) references to a police force include references to the Police Service of Scotland;
- (b) references to a chief officer of police include references to the chief constable of the Police Service of Scotland;
- (c) “police authority” means the Scottish Police Authority;
- (d) the “police area” of the Police Service of Scotland is Scotland and references to a police force or police authority for any area include references to the Police Service of Scotland or, as the case may be, the Scottish Police Authority;
- (e) references to a constable or chief constable of, or appointed for, any area are to be construed as references to a constable or, as the case may be, the chief constable of, or appointed for, the Police Service of Scotland.]

**[F65]** *Definitions relating to the EU and the United Kingdom's withdrawal*

**Textual Amendments**

**F65** Words in Sch. 1 inserted (4.7.2018 for specified purposes, 31.12.2020 in so far as not already in force) by [European Union \(Withdrawal\) Act 2018 \(c. 16\)](#), [s. 25\(4\)](#), [Sch. 8 para. 22\(e\)](#) (with [s. 19](#), [Sch. 7 para. 26](#), [Sch. 8 para. 37](#)); [S.I. 2018/808](#), [reg. 3\(g\)](#), [\(iv\)](#); [S.I. 2020/1622](#), [reg. 3\(n\)](#) (with [reg. 7](#))

“The Communities” means Euratom, the Economic Community and the Coal and Steel Community, but a reference to any or all of those Communities is to be treated as being or including (as the context requires) a reference to the EU.

“E.C.S.C. Treaty” means the Treaty establishing the European Coal and Steel Community, signed at Paris on 18 April 1951.

“EEA agreement” means the agreement on the European Economic Area signed at Oporto on 2 May 1992, together with the Protocol adjusting that Agreement signed at Brussels on 17 March 1993, as modified or supplemented from time to time, but does not include any retained direct EU legislation. [8 January 2007]

“EEA state”, in relation to a time, means—

- (a) a state which at that time is a member State, or
- (b) any other state which at that time is a party to the EEA agreement. [8 January 2007]

“E.E.C. Treaty” means the Treaty establishing the European Economic Community, signed at Rome on 25 March 1957.

“Entry date” means the date on which the United Kingdom became a member of the Communities (which neither includes nor is a reference to the EU).

“The EU” or “the European Union” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7 February 1992 (as amended by any later Treaty); and includes, so far as the context permits or requires, Euratom.

“EU institution” means any institution of the EU.

“EU instrument” means any instrument issued by an EU institution other than any retained direct EU legislation.

“Euratom”, “Economic Community” and “Coal and Steel Community” mean respectively the European Atomic Energy Community, the European Economic Community and the European Coal and Steel Community (but see the definition of “the Communities” for provision as to the construction of references to those Communities).

“Euratom Treaty” means the Treaty establishing the European Atomic Energy Community, signed at Rome on 25 March 1957.

“European Court” means the Court of Justice of the European Union.

**[F66]** “EU withdrawal agreement” means the withdrawal agreement within the meaning of the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) and (6) of that Act).]

“Exit day” (and related expressions) have the same meaning as in the European Union (Withdrawal) Act 2018 (see section 20(1) to (5) of that Act).

**[F67]** “IP completion day” (and related expressions) have the same meaning as in the European Union (Withdrawal Agreement) Act 2020 (see section 39(1) to (5) of that Act).]

“Member”, in the expression “member State”, refers to membership of the EU.

“Retained EU law”, “retained direct minor EU legislation”, “retained direct principal EU legislation” and “retained direct EU legislation” have the same meaning as in the European Union (Withdrawal) Act 2018 (see sections 6(7), 7(6) and 20(1) of that Act) **[F68]** (see also paragraph 7 of Schedule 1 to the Direct Payments to Farmers (Legislative Continuity) Act 2020)].

“Retained EU obligation” means an obligation that—

- (a) was created or arose by or under the EU Treaties before **[F69]** IP completion day], and
- (b) forms part of retained EU law,

as modified from time to time.

“The Treaties” or “the EU Treaties” means the Treaties **[F70]** or EU Treaties as at immediately before IP completion day and] within the meaning given by section 1(2) of the European Communities Act 1972 as that Act had effect immediately before **[F71]** IP completion day].]

#### Textual Amendments

**F66** Words in Sch. 1 inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(v\), Sch. 5 para. 12\(a\)](#) (with [s. 38\(3\)](#))

**F67** Words in Sch. 1 inserted (23.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(6\)\(e\)\(v\), Sch. 5 para. 12\(b\)](#) (with [s. 38\(3\)](#))

**F68** Words in Sch. 1 inserted (30.1.2020) by [Direct Payments to Farmers \(Legislative Continuity\) Act 2020 \(c. 2\), s. 9\(3\), Sch. 1 para. 3](#) (with [Sch. 1 paras. 7, 8](#))

**F69** Words in Sch. 1 substituted (31.1.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 12\(c\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/75, reg. 4\(n\)\(iv\)](#)

**F70** Words in Sch. 1 substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 12\(d\)\(i\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/1622, reg. 5\(j\)](#)

**F71** Words in Sch. 1 substituted (31.12.2020) by [European Union \(Withdrawal Agreement\) Act 2020 \(c. 1\), s. 42\(7\), Sch. 5 para. 12\(d\)\(ii\)](#) (with [s. 38\(3\)](#)); [S.I. 2020/1622, reg. 5\(j\)](#)

## **The Constitution Series, Vol. 1**

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**6 February 2022**