



Union with Scotland Act 1706

1706 CHAPTER 11 6 Ann

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

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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 ^{F1} . . .

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

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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

F1 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 ^{F2}. . . 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

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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

F2 Words repealed by [Statute Law \(Repeals\) Act 1973 \(c. 39\), Sch. 1 Pt. XIII](#)

Marginal Citations

M1 c. 8. ante.

^{F3}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

F3 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) so far as it ratifies part of art. 23 by [Criminal Justice Act 1948 \(c. 58\)](#), [Sch. 10 Pt. III](#)

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

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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^{F4}. . . 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^{F4}. . .

Textual Amendments

F4 Words repealed by [Statute Law Revision Act 1948 \(c. 62\), Sch. 1](#)

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Modifications etc. (not altering text)

- C1** 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.

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