



Habeas Corpus Act 1679

1679 CHAPTER 2 31 Cha 2

IX Proviso for Application for and granting Habeas Corpus in Vacation-time. Lord Chancellor, &c. unduly denying Writ; Penalty to Party £500.

Provided alsoe That it shall and may be lawfull to and for any Prisoner and Prisoners as aforesaid to move and obtaine his or their Habeas Corpus as well out of the High Court of Chauncery or Court of Exchequer as out of the Courts of Kings Bench or Common Pleas of either of them And if ^{F1}... any Judge or Judges Baron or Barons for the time being of the Degree or the Coife of any of the Courts aforesaid in the Vacation time upon view of the Copy or Copies of the Warrant or Warrants of Commitment or Detainer or upon Oath made that such Copy or ^(X1) Copyes were denyed as aforesaid shall deny any Writt of Habeas Corpus by this Act required to be granted being moved for as aforesaid they shall severally forfeite to the Prisoner or Partie grieved the summe of Five hundred pounds to be recovered in manner aforesaid.

Editorial Information

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

Textual Amendments

- F1** Words in s. 9 repealed (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 15, 146, 148, Sch. 4 para. 5, [Sch. 18 Pt. 2](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 30(b)

Modifications etc. (not altering text)

- C1** Reference to Courts of Chancery, King's Bench, Common Pleas and Exchequer to be construed as reference to the High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), [ss. 18, 224\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Habeas Corpus Act 1679, Section IX.