



# House of Commons (Clergy Disqualification) Act 1801 <sup>F1</sup>(repealed)

1801 CHAPTER 63 41 Geo 3

An Act to remove Doubts respecting the Eligibility of Persons in Holy Orders to sit in the House of Commons. [23rd June 1801]

## Textual Amendments

**F1** Act repealed (11.5.2001) by [2001 c. 13, s. 1\(3\)\(b\)](#), [Sch. 2](#)

## Modifications etc. (not altering text)

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

## Preamble.

Whereas it is expedient to remove doubts which have arisen respecting the eligibility of persons in holy orders to sit in the House of Commons, and also to make effectual provision for excluding them from sitting therein:

- [1.] No person ordained a priest or deacon, or being a minister of the Church of Scotland, shall be capable of being elected a member of the House of Commons.**

No person having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, is or shall be capable of being elected to serve in Parliament as a member of the House of Commons.

- 2 The election of such person shall be void and if any person after his election shall be ordained a priest, &c. he shall vacate his seat. Penalty for sitting or voting in either case.**

And if any person, having been ordained to the office of priest or deacon, or being a minister of the Church of Scotland, shall hereafter be elected to serve in Parliament as aforesaid, such election and return shall be void; and if any person, being elected to serve in Parliament as a member of the House of Commons, shall, after his election, be ordained to the office of priest or deacon, or become a minister of the Church of

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*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the House of Commons (Clergy Disqualification) Act 1801 (repealed). (See end of Document for details)*

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Scotland, then and in such case the seat of such person shall immediately become void; and if any such person shall, in any of the aforesaid cases, presume to sit or vote as a member of the House of Commons, he shall forfeit the sum of five hundred pounds for every day in which he shall sit or vote in the said house, to any person or persons who shall sue for the same in [<sup>F2</sup>the High Court]; and the money so forfeited shall be recovered by the person or persons so suing, . . . . .<sup>F3</sup>, in any of the said courts, by any action or information, and every person against whom any such penalty or forfeiture shall be recovered by virtue of this Act, shall be from thenceforth incapable of taking, holding, or enjoying any benefice, living, or promotion ecclesiastical, and of taking, holding, or enjoying any office of honour or profit under his Majesty, his heirs, or successors: . . . . .<sup>F4</sup>

#### Textual Amendments

- F2** Words substituted by virtue of [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **ss. 18, 224(1)**
- F3** Words repealed by [Administration of Justice Act 1965 \(c. 2\)](#), **Sch. 2**
- F4** Words repealed by [Statute Law Revision Act 1872 \(c. 63\)](#)

### 3 Limitation of actions.

Provided also, that no person shall be liable to any forfeiture or penalty inflicted by this Act, unless a prosecution shall be commenced within twelve calendar months after such penalty or forfeiture shall be incurred.

### 4 What proof shall be necessary.

And proof of the celebration of divine service according to the rites of the Church of England, or of the Church of Scotland, in any church or chapel consecrated or set, apart for public worship, shall be deemed and taken to be primâ facie evidence of the fact of such person having been ordained to the office of a priest or deacon, or of his being a minister of the Church of Scotland, within the intent and meaning of this Act.

**Status:**

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**Changes to legislation:**

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