ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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C A P. XLVIII.

An Act to amend the Laws relating to the Qualification of Members to serve in Parliament.

[27th *July* 1838.]

WHEREAS an Act was passed in the Ninth Year of the Reign of Queen *Anne*, intituled *An Act for securing the Freedom of Parliament by further qualifying the Members to sit in the House of Commons:* (9 Anne c. 5.) And whereas another Act was passed in the Thirty-third Year of the Reign of King *George* the Second, intituled *An Act to enforce and render more effectual the Laws relating to the Qualification of Members to sit in the House of Commons:* (33 G. 2. c. 20.) And whereas by the Act for the Union of *Great Britain* and *Ireland* it is amongst other things enacted, that the Qualification in respect of Property of the Members elected on the Part of *Ireland* to sit in the House of Commons of the United Kingdom shall be respectively the same as were at the Time of the passing of the said Act provided by Law in the Cases of Elections for Counties and Cities and Boroughs respectively in that Part of *Great Britain* called *England*, unless any other Provision should thereafter be made in that respect by Act of Parliament of the United Kingdom: And whereas it is expedient to repeal the said Act passed in the Ninth Year of the Reign of Queen *Anne*, and the said Act passed in the Thirty-third Year of the Reign of King *George* the Second, and the said Enactment in the Act for

the Union of *Great Britain* and *Ireland*, and to make other Provisions in lieu thereof, for the better qualifying Members to sit in the House of Commons by reason of the Possession of Property: Be it therefore 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 the Authority of the same, That the said Act passed in the Ninth Year of the Reign of Queen *Anne*, and the said Act passed in the Thirty-third Year of the Reign of King *George* the Second, and the said Enactment in the Act for the Union of *Great Britain* and *Ireland*, be and the same are hereby repealed.

Recited Acts repealed.

Qualification of Members.

II. And be it enacted, That from and after the passing of this Act no Person shall be capable of being elected a Member of the House of Commons for any County, Riding, Part, or Division of a County, within that Part of *Great Britain* called *England*, the Dominion of *Wales*, or *Ireland*, unless he shall be seised or entitled, for his own Use and Benefit, of and to an Estate, legal or equitable, in Lands, Tenements, or Hereditaments of any Tenure whatever, situate, lying, or being within the United Kingdom of *Great Britain* and *Ireland*, or in the Rents and Profits thereof, for his own Life, or for the Life or Lives of any other Person or Persons then living, or for a Term of Years, either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, such Estate being of the clear yearly Value of not less than Six hundred Pounds over and above all Incumbrances affecting the same; or unless he shall be possessed or entitled, for his own Use and Benefit, at Law or in Equity, for his own Life or for the Life or Lives of any other Person or Persons then living, or for any Term of Years, either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, of or to Personal Estate or Effects of any Nature or Kind whatsoever within the said United Kingdom of *Great Britain* and *Ireland*, or the Interest, Dividends, or annual Proceeds of any such Personal Estate or Effects, such Personal Estate or Effects, Interest, Dividends, or annual Proceeds actually producing the clear yearly Income of not less than Six hundred Pounds over and above all Incumbrances affecting the same; or unless he shall possess more than One of the several Kinds of Qualification herein-before mentioned, the several Qualifications of or to which he shall be so seised, possessed, or entitled being jointly of sufficient Value to qualify a Person as a Member to serve in Parliament for any County according to the Provisions herein contained, although each of such Qualifications may, according to the same Provisions, be separately insufficient for that Purpose; nor shall any Person be capable of being elected a Member of the House of Commons for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, or *Ireland*, unless he shall be seised or entitled, for his own Use and Benefit, of and to an Estate, legal or equitable, in Lands, Tenements, or Hereditaments, of any Tenure whatever, situate, lying,

or being within the United Kingdom of *Great Britain* and *Ireland*, or in the Rents and Profits thereof, for his own Life or for the Life or Lives of any other Person or Persons then living, or for a Term of Years, either absolute or determinable on his own Life or on the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, such Estate being of the clear yearly Value of not less than Three hundred Pounds over and above all Incumbrances affecting the same; or unless he shall be possessed or entitled, for his own Use and Benefit, at Law or in Equity, for his own Life or for the Life or Lives of any other Person or Persons then living, or for any Term of Years, either absolute or determinable on his own Life or for the Life or Lives of any other Person or Persons then living, of which Term not less than Thirteen Years shall be at the Time of his Election unexpired, of or to Personal Estate or Effects of any Nature or Kind whatsoever, situate within the said United Kingdom, or the Interest, Dividends, or annual Proceeds of any such Personal Estate or Effects, such Personal Estate or Effects, Interest, Dividends, or annual Proceeds, actually producing the clear yearly Income of not less than Three hundred Pounds over and above all Incumbrances affecting the same; or unless he shall possess more than One of the several Kinds of Qualification herein-before mentioned, the several Qualifications of or to which he shall be so seised, possessed, or entitled being jointly of sufficient Value to qualify a Person as a Member to serve in Parliament for any Borough, according to the Provisions herein contained, although each of such Qualifications may, according to the same Provisions, be separately insufficient for that Purpose; and if any Person who shall be elected or returned to serve in any Parliament for any County, Riding, Part, or Division of a County, City, Borough, or Cinque Port as aforesaid, shall not at the Time of such Election and Return be qualified in manner above mentioned such Election and Return shall be void.

Candidates at Elections to make the following Declaration if required.

III. And be it enacted, That every Candidate at any Election of a Member or Members to serve in Parliament for any County, Riding, Part, or Division of a County, City, Borough, or Cinque Port as aforesaid, shall, upon a reasonable Request made to him at the Time of such Election, or at any Time before the Day named in the Writ of Summons for the meeting of Parliament, by or on behalf of any Candidate at such Election, or by any Two or more registered Electors having a Right to vote at such Election, make and subscribe a Declaration to the Purport or Effect following, such Request to be in Writing, and signed by the Candidate or the said Two or more Electors; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I am to the best 'of my Knowledge and Belief duly qualified to be elected as a 'Member of the House of Commons, according to the true Intent 'and Meaning of the Act passed in the Second Year of the Reign of 'Queen *Victoria*, intituled *An Act to amend the Laws relating to the 'Qualification of Members to serve in Parliament*, and that my Qualifi- 'cation to be so elected doth arise out of [*here let the Party state the 'Nature of his Qualification, as the Case may be; if the same ariseth 'out of Lands, Tenements, or Hereditaments, let him state the Barony*

'*or*

'*or Baronies, Parish or Parishes, Township or Townships, Precinct or Precincts, and also the County or Counties, in which such Lands, Tenements, or Hereditaments are situate, and also the Estate in the said Lands, Tenements, or Hereditaments, or in the Rents or Profits thereof, of or to which he is seised or entitled; or if the same ariseth out of Personal Estate or Effects let him state of what Nature and where situate such Personal Estate or Effects are, and what Interest he hath in such Personal Estate or Effects, and upon what Securities and in whose Names the same are vested*], as hereunder set forth.'

And the Election and Return of any Person who, upon such Request as aforesaid shall wilfully refuse or neglect to make and subscribe the said Declaration within Twenty-four Hours after such Request shall have been so made shall be void.

Before whom Declaration to be made.

Declaration to be certified, under Penalty.

IV. And be it enacted, That the said Declaration shall be made before the Returning Officer at any Election, or a Commissioner for that Purpose lawfully appointed, or any Justice of the Peace within the United Kingdom of *Great Britain* and *Ireland;* and the said Returning Officer, Commissioner, or Justice of the Peace before whom the said Declaration shall be made is hereby required to certify the making thereof, when the same shall have been made in *England* or *Wales,* unto the High Court of Chancery, or to the Court of Queen's Bench in *England,* and when the same shall have been made in *Ireland* unto the High Court of Chancery or to the Court of Queen's Bench in *Ireland,* within Three Months after the making of the same, under the Penalty of forfeiting the Sum of One hundred Pounds; to wit, one Moiety thereof to the Queen, and the other Moiety thereof to such Person or Persons as will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or Information, in any of Her Majesty's Courts of Record at *Westminster* or *Dublin* respectively.

Fees for Administering and filing Declaration.

V. And be it enacted, That no Fee or Reward shall be taken for administering any such Declaration, or making, receiving, or filing the Certificate thereof, except One Shilling for administering the Declaration, and Two Shillings for making the Certificate, and Two Shillings for receiving and filing the same, to be paid by the Person or Persons requiring such Declaration to be made, under the Penalty of Twenty Pounds, to be recovered and divided as aforesaid.

Every Member to deliver in at the Table of the House a Statement of Qualification, and make the following Declaration.

VI. And be it enacted, That every Person who shall in future be elected and returned a Member of the House of Commons for any County, Riding, Part, or Division of a County, or for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England,* the Dominion of *Wales,* the Town of *Berwick-upon-Tweed,* or *Ireland,* shall, before he shall sit or vote, after the Choice of a Speaker, in the House of Commons, deliver in to the Clerk of the said House, at the Table of the said House, and while the House of Commons is there sitting, with their Speaker in the Chair, a Paper signed by such Member, containing such a Statement of the Lands, Tenements, or Hereditaments,

ditaments, or of the Personal Estate or Effects whereby he maketh out his Qualification, as, in pursuance of the Provisions of this Act, he might at the Time of his Election, or at such other Time as is herein-before permitted for that Purpose, at the Request of any Candidate at such Election, or of such other Parties as are herein-before permitted to make such Request, be required to make; and shall also at the same Time make and subscribe the following Declaration:

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I am to the best of my Knowledge and Belief duly qualified to be elected 'a Member of the House of Commons according to the true 'Intent and Meaning of the Act passed in the Second Year of the 'Reign of Queen *Victoria*, intituled *An Act to amend the Laws 'relating to the Qualification of Members to serve in Parliament*, 'and that my Qualification to be so elected is as set forth in the 'Paper signed by me, and now delivered to the Clerk of the House 'of Commons.'

And the said House of Commons is hereby empowered and required to administer the said Declaration and Subscription, according to the Direction of this Act, as Occasion shall be, from Time to Time, to every Person duly demanding the same, immediately after such Person shall have taken the Oath of Fidelity or other Oath or Oaths required to be taken at the Table of the said House; and the said Declaration and Subscription herein-before last directed to be made shall be entered in a Parchment Roll to be provided for that Purpose by the Clerk of the said House; and the said Paper so signed, and delivered in to the said Clerk, shall be filed, and kept by him.

False Declaration deemed a Misdemeanor.

VII. And be it enacted, That any Person who shall make and subscribe any such Declaration as aforesaid, or who shall sign and deliver in any such Paper as aforesaid, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Election void if Member sits or votes before he has complied with the Provisions of the Act.

VIII. And be it enacted, That if any Person who shall in future be elected and returned a Member of the House of Commons for any County, Riding, Part, or Division of a County, or for any City, Borough, or Cinque Port within that Part of *Great Britain* called *England*, the Dominion of *Wales*, the Town of *Berwick-upon-Tweed*, or *Ireland*, shall sit or vote as a Member of the House of Commons before he has delivered in such Paper, and made and subscribed such Declaration as aforesaid, and shall not be qualified according to the true Intent and Meaning of this Act, his Election shall be void, and a new Writ shall be issued to elect another Member in his Room.

Not to extend to the Members for the Universities;

IX. Provided always, and be it enacted, That nothing in this Act contained shall extend to either of the Universities in that Part of *Great Britain* called *England*, or to the University of *Trinity College, Dublin*, in *Ireland*, or to any Member or Members elected and returned to serve in Parliament by any of the said Universities, but that they and each of them may elect and return Members to

represent them in Parliament, and that the Members so elected and returned may sit and vote in the House of Commons, notwithstanding such Members or any of them may not, at the Time of their Election and Return, or afterwards, possess any such Qualification as is herein required, or deliver in such Paper, or make or subscribe such Declaration as is herein required, any thing herein contained to the contrary notwithstanding: Provided also, that

nor to the eldest Sons of Peers.

nothing in this Act contained shall extend to make the eldest Son or Heir Apparent of any Peer or Lord of Parliament, or of any Person qualified by this Act to serve as Knight of the Shire, incapable of being elected and returned, or of sitting and voting as a Member of the House of Commons in any Parliament.

Act may be amended.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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