



Habeas Corpus Act 1679

CHAPTER 2

HABEAS CORPUS ACT 1679

- [I.] Sheriff, &c. within Three Days after Service of Habeas Corpus, with the Exception of Treason and Felony, as and under the Regulations herein mentioned, to bring up the Body before the Court to which the Writ is returnable; and certify the true Causes of Imprisonment. Exceptions in respect of Distance.
- II How Writs to be marked. Persons committed, except for Treason and Felony, &c. may appeal to the Lord Chancellor, &c. Proceedings thereon. Habeas Corpus may be awarded; and upon Service thereof the Officer to bring up the Prisoners as before mentioned; and thereupon within Two Days Lord Chancellor, &c. may discharge upon Recognizance; and certify the Writ with the Return and Recognizance. Proviso for Process not bailable.
- III Habeas Corpus not granted in Vacation to Prisoners who have neglected to pray the same.
- IV Officer neglecting, &c. to make the said Returnes, &c. or upon Demand to deliver a Copy of Warrant of Commitment; First Offence, Penalty £100. Second Offence, £200 and Incapacity. Judgment at Suit of Party sufficient Conviction.
- V Proviso as to Imprisonment of Party after having been set at large upon Habeas Corpus. Unduly recommitting such discharged Persons or assisting therein; Penalty to the Party £500.
- VI
- VII Proviso respecting Persons charged in Debt, &c.
- VIII Persons committed for criminal Matter not to be removed but by Habeas Corpus or other legal Writ. Unduly making out, &c. Warrant for Removal; Penalty.
- IX Proviso for Application for and granting Habeas Corpus in Vacation-time. Lord Chancellor, &c. unduly denying Writ; Penalty to Party £500.

Status: Point in time view as at 01/02/1991.

*Changes to legislation: There are currently no known outstanding effects
for the Habeas Corpus Act 1679. (See end of Document for details)*

- X Habeas Corpus may be directed into Counties Palatine, &c.
- XI No subject to be sent Prisoner into Scotland, &c. or any Parts beyond the Seas. Persons so imprisoned may maintain Action against the Person committing or otherwise acting in respect thereof, as herein mentioned; Treble Costs and Damages; and the Person so committing or acting disabled from Office, and incur Premunire 16 R. 11. c. 5. and be incapable of Pardon.
- XII, XIII
- XIV
- XV Proviso for sending Persons to be tried in Places where any Capital Offence committed.
- XVI Limitation of Prosecution for Offences against this Act.
- XVII,
- XVIII
- XIX
- XX

Status:

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Changes to legislation:

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