



Habeas Corpus Act 1803

1803 CHAPTER 140 43 Geo 3

An Act to enable the Judges of His Majesty's Courts of Record at Westminster to award Writs of Habeas Corpus for bringing persons detained in Gaol before Courts Martial, and the several Commissioners therein mentioned. [11th August 1803]

Modifications etc. (not altering text)

- C1 Reference to judges of the courts of King's Bench and Common Pleas and to barons of the Court of Exchequer to be construed as reference to a judge of the High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18, 224\(1\)](#)
- C2 Functions of commissioners for auditing the publick accounts now exercisable by Comptroller and Auditor General: [Exchequer and Audit Departments Act 1866 \(c. 39\), s. 5](#)
- C3 Short title given by [Short Titles Act 1896 \(c. 14\)](#)

Any judge of the courts at Westminster may award a writ of habeas corpus for bringing any prisoner in any gaol in England before a court martial, commissioners of bankrupt, &c.

Whereas writs of habeas corpus have been frequently awarded by the judges of his Majesty's courts of record at Westminster for bringing persons detained in custody under civil or criminal process before magistrates or courts of record as well for trial as for examination touching matters depending before such magistrates or courts respectively, but doubts have arisen whether such judges have power to award writs of habeas corpus for bringing persons detained as aforesaid before courts martial, commissioners of bankrupt, commissioners for auditing the publick accounts, or other commissioners acting under commission or warrant from his Majesty: And whereas it is expedient to make provision for bringing prisoners before such courts martial or commissioners for the purposes herein-before mentioned: From and after the passing of this Act it shall be lawful for any judge of his Majesty's Courts of King's Bench or Common Pleas respectively, or for any baron of his Majesty's Court of Exchequer of the degree of the coif, at his discretion, to award a writ or writs of habeas corpus for bringing any prisoner or prisoners detained in any gaol or prison in England before any court martial, or before any commissioners of bankrupt, commissioners for auditing the publick accounts, or other commissioners acting by virtue or under the authority of any commission or warrant from his Majesty, his heirs or successors, for trial, or to be examined touching any matter depending before such courts martial or commissioners respectively; and the

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like proceedings shall be had upon such writ or writs of habeas corpus so to be awarded as aforesaid as by law may now be had upon writs of habeas corpus for bringing persons detained in gaol before magistrates or courts of record for such purposes as aforesaid; any law, custom, or usage to the contrary thereof in anywise notwithstanding.

Changes to legislation:

There are currently no known outstanding effects for the Habeas Corpus Act 1803.