

# HOUSE OF COMMONS (REMOVAL OF CLERGY DISQUALIFICATION) ACT 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### *Section 1: removal of disqualification of clergy*

10. This section establishes (in *subsection (1)*) that a person who has been ordained or who is a Minister of religion is not disqualified from being elected to or sitting in the House of Commons. It accordingly displaces the House of Commons (Clergy Disqualification) Act 1801 and section 9 of the Roman Catholic Relief Act 1829, and ensures that any other rule of law which might prevent clergy sitting ceases to have effect. It makes provision, however, (in *subsection (2)*) for the continuing disqualification of any bishop who sits in the House of Lords as a Lord Spiritual. *Subsection (3)* then introduces two Schedules, which contain consequential amendments and repeals of statutory provisions relating to clergy disqualification.

#### *Section 2: Short title, commencement and extent*

11. The Act applies to the whole of the United Kingdom and came into force on Royal Assent.

#### *Schedule 1: consequential amendments*

12. The House of Commons Disqualification Act 1975 lists various offices the holders of which may not, during the period they hold those offices, become members of the House of Commons. Paragraph 1 of Schedule 1 adds a reference to a Lord Spiritual to the listed offices in order to disqualify a bishop who is by virtue of being a bishop, for the time being, a Lord Spiritual member of the House of Lords (and who, but for the Act, would be disqualified by the 1801 Act).
13. The remaining paragraphs of the Schedule amend statutes governing qualification for election to the European Parliament, the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly. These paragraphs ensure that the effect of the provisions that relate to disqualification from membership of those bodies remains unchanged.
14. The amendments operate in a similar way. Each of the four statutes – the European Parliamentary Elections Act 1978, the Government of Wales Act 1998, the Scotland Act 1998 and the Northern Ireland Act 1998 – presently provide that a person who is disqualified from membership of the House of Commons other than by the House of Commons Disqualification Act 1975 is also disqualified from the legislative body in question. This would disqualify clergymen because they are disqualified from the Commons by the Acts of 1801 and 1829 mentioned above. In order that such clergymen can sit in these legislatures each of those four statutes goes on to provide expressly that a person who is ordained or who is a minister of any religious denomination is not disqualified from membership of that legislative body. It will no longer be necessary to

*These notes refer to the House Of Commons (Removal of Clergy Disqualification) Act 2001 (c.13) which received Royal Assent on 11 May 2001*

make that express statement as regards the entitlement of clergy to be members of those bodies. But it does remain necessary to state that a person who is a Lord Spiritual can still be elected to those legislative bodies. In this respect, the position of Lords Spiritual reflects that of peers: they can be members of those legislative bodies notwithstanding their membership of the House of Lords.

***Schedule 2: repeals***

15. This Schedule repeals the House of Commons (Clergy Disqualification) Act 1801 and section 9 of the Roman Catholic Relief Act 1829, which disqualify certain clergy from membership of the House of Commons.