



House of Commons (Disqualifications) Act 1801

1801 CHAPTER 52

An Act for declaring what Persons shall be disabled from sitting and voting in the House of Commons of the United Kingdom of *Great Britain* and *Ireland* ; and also for carrying into Effect, Part of the Fourth Article of the Union of *Great Britain* and *Ireland*, by providing in what Cases Persons holding Offices or Places of Profit under the Crown of *Ireland*, shall be incapable of being Members of the House of Commons of the Parliament of the said United Kingdom. [20th June 1801]

Preamble.

WHEREAS by an Act, made in the Session of Parliament held in the Thirty-ninth and Fortieth Years of the Reign of His present Majesty, intituled, *An Act for the Union of Great Britain and Ireland*, it was amongst other Things provided, That the said Kingdoms of *Great Britain* and *Ireland* should, upon the First Day of January in the Year of our Lord One thousand eight hundred and one, and for ever after, be united into One Kingdom, by the Name of *The United Kingdom of Great Britain and Ireland*; and that the said United Kingdom should be represented in One and the same Parliament, to be stiled *The Parliament of the United Kingdom of Great Britain and Ireland*: And whereas it is expedient fully to declare in what Cases Persons are and shall be disabled from, or incapable of, sitting and voting in the House of Commons of the said Parliament of the said United Kingdom :

Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament of the said United Kingdom assembled, and by the Authority of the same,

All Persons disabled from sitting in British Parliaments shall be disabled from sitting in the United Parliament as Members for *Great Britain*.

That, from and after the passing of this Act, all Persons disabled from or incapable of being elected, or sitting and voting in the House of Commons of any Parliament of *Great Britain*, shall be disabled from and be incapable of being elected, or sitting and voting in the House of Commons of any Parliament of the United Kingdom, as Knights, Citizens,

or Burgesses, for any County, Stewartry, City, Borough, Cinque Port, Town, or Place, in that Part of the United Kingdom called *Great Britain*.

II All Persons disabled from sitting in Irish Parliaments, shall he disabled from sitting for *Ireland*.

And be it further enacted, That from and after the passing of this Act, all Persons disabled from or incapable of being elected, or sitting and voting in the House of Commons of any Parliament of *Ireland*, shall be disabled from and be incapable of being elected, or sitting and voting in the House of Commons of any Parliament of the United Kingdom, as Knights, Citizens, or Burgesses, for any County, City, Borough, Town, or Place, in that Part of the United Kingdom called *Ireland*.

III Persons disabled by British Statutes, shall not hereby be enabled to sit for *Ireland*, nor e contra.

Provided nevertheless, That nothing in this Act shall be construed to enable Persons, heretofore disabled by any Act of the Parliament of *Great Britain* from sitting and voting in the House of Commons of *Great Britain*, to sit or vote in the House of Commons of the said Parliament of the said United Kingdom, as Knights, Citizens, or Burgesses for any County, City, Borough, Town, or Place in that Part of the United Kingdom called *Ireland*; nor to enable Persons, heretofore disabled by any Acts of the Parliament of *Ireland* from sitting and voting in the House of Commons of *Ireland*, to sit or vote in the House of Commons of the Parliament of the said United Kingdom, as Knights, Citizens, or Burgesses, for any County, Stewartry, City, Borough, Cinque Port, Town, or Place, in that Part of the United Kingdom called *Great Britain*.

IV Persons who shall hold certain Places in *Ireland*, shall be disabled from sitting in any future Parliament of the United Kingdom, viz.

And whereas by the said Act for the Union of *Great Britain* and *Ireland*, it was amongst other Things provided, That "until an Act " shall have passed in the Parliament of the United Kingdom, providing " in what Cases Persons holding Offices or Places of Profit under the " Crown of *Ireland* shall be incapable of being Members of the House of " Commons of the United Kingdom, no greater Number of Members " than Twenty holding such Offices or Places as aforesaid, shall be capable " of sitting in the said House of Commons of the United Kingdom; " be it therefore further enacted, That, from and after the Dissolution or other Determination of this present Parliament, no Person or Persons who shall by himself or his Deputy, or any other in Trust for him, or for his Benefit, take, hold, enjoy, or execute, or continue to hold, enjoy, or execute, any of the Offices, Employments, or Places of Profit herein-after mentioned, in or for that Part of the United Kingdom called *Ireland*, shall be capable of being elected or chosen a Member of or of sitting or voting as a Member of the House of Commons of any Parliament of the said United Kingdom of *Great Britain* and *Ireland*, in any Parliament which shall hereafter be summoned and holden; (that is to say),

Commissioners of Customs, Excise, and Stamps, &c. Except Treasury.

No Person who shall be Commissioner of Customs, Excise, or Stamps, or who shall be concerned, directly or indirectly, in the farming, collecting, or managing any of the Sums of Money, Duties, or other Aids, heretofore granted, or which shall hereafter be granted by any Act of Parliament to His Majesty, His Heirs or Successors (except the Commissioners of the Treasury and their Secretary):

Commissioners of Appeals.

Nor any Person who shall be a Commissioner for determining Appeals concerning the said Duties of Customs, Excise, or Stamps, or for controuling or auditing the Account of the said Duties (except the Auditor General of the Exchequer) :

Commissioners of Accounts.

Nor any Person who shall be a Commissioner of Imprest Accounts :

Army Agents.

Nor any Agent for any Regiment:

Contractors. Except Members of Trading Companies, as such.

Nor any Person who shall directly or indirectly, himself, or by any Person whatsoever in Trust for him, or for his Use or Benefit, or on his Account, undertake, execute, hold, or enjoy, or continue to execute, hold, or enjoy in the Whole or in Part, any Contract, Agreement, or Commission made or entered into under or from the Commissioners of His Majesty's Treasury in *Ireland*, or with any One or more of such Commissioners, or with any other Person or Persons whomsoever, for or on Account of the Public Service in *Ireland*; or who shall knowingly and willingly furnish or provide, in pursuance of any such Agreement, Contract, or Commission which he or they shall have made or entered into as aforesaid, any Money to be remitted Abroad, or any Wares or Merchandize to be used or employed in the Service of the Public, during the Time that he shall execute, hold, or enjoy any such Contract, Agreement, or Commission, or any Part or Share thereof, or any Benefit or Employment arising from the same (except Persons who shall be Members of any incorporated Trading Company now existing or established in *Ireland*, and consisting of more than Ten Persons, so far as relates to any Contract, Agreement, or Commission, which now is or shall or may hereafter be made, entered into, or accepted by such Company in its Corporate Capacity, for the general Benefit of such Incorporation or Company):

Deputies or Clerks in certain Offices.

Nor any Deputies or Clerks in any of the several Offices following; that is to say, the Office of Lord High Treasurer or the Commissioners of the Treasury, (except the Secretary of the Treasury); or of the Auditor of the Receipt of His Majesty's Exchequer, or of the Tellers of the Exchequer, or of the Chancellor of the Exchequer, (except the Secretary of the Chancellor of the Exchequer); or of the Commissioners of Stamps, or of the Commissioners of Appeals.

V Persons holding new Places under the Lord Lieutenant shall in future be disabled.

And be it further enacted, That, from and after the Dissolution or other Determination of this present Parliament, no Person who shall have in his own Name, or in the Name of any Person or Persons in Trust for him or his Benefit, any Office or Place of Profit, from or by the Nomination or Appointment, or by any Appointment subject to the Approbation of the Lord Lieutenant, Lord Deputy, Lord Justices, or other Chief Governor or Governors of that Part of the United Kingdom called *Ireland*, created or erected at any Time after the passing of an Act of the Parliament of *Ireland*, in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for securing the Freedom and Independence of the House of Commons, by excluding therefrom Persons holding any Offices under the Crown to be hereafter created, or holding certain Offices therein enumerated, or Pensions for Terms of Years, or during His Majesty's Pleasure*, shall be capable of being elected or chosen a Member of, or of sitting or voting as a Member of, the House of Commons of any Parliament of the said

United Kingdom of *Great Britain* and *Ireland*, in any Parliament which shall hereafter be summoned and holden.

VI Disabled Persons presuming to sit in Parliament shall incur the Penalties under former British or Irish Acts. Or if disabled under this Act shall forfeit 500l. per Day.

An be it further enacted, That if any Person hereby declared to be disabled from, or rendered incapable of sitting or voting in the House of Commons, shall nevertheless be elected or returned as a Member to serve in Parliament for any County, Stewartry, City, Borough, Cinque Port, Town, or Place, in any Part of the said United Kingdom, such Election or Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever ; and if any Person or Persons so hereafter elected or returned, and declared to be disabled or to be rendered incapable by this Act to be elected, shall presume to sit or vote as a Member of the said House of Commons, such Person or Persons so sitting or voting shall incur such Pains, Penalties, and Forfeitures, as are inflicted or imposed by the several Acts of Parliament heretofore passed in *Great Britain* or *Ireland* for disabling or incapacitating such Persons from sitting in the Parliaments of *Great Britain* or *Ireland* respectively; and if such Person or Persons shall be disabled or incapacitated by the having, holding, or accepting of any Office, Employment, or Place of Profit, in this Act enumerated and particularized, then and in such Case such Person or Persons so sitting or voting, shall forfeit the Sum of Five hundred Pounds for every Day in which he shall sit or vote in the said House; to be recovered by such Person as shall sue for the same in any Court of Record in any Part of the said United Kingdom, by Action of Debt, Bill, Complaint, or- Information, wherein no Essoign, Protection, or Wager of Law shall be allowed, and only One Impar lance.

VII Act not to extend (during this Parliament) to Persons holding such Offices or Places; but no more than 20 such Persons shall sit.

Provided always, and it is hereby enacted and declared, That nothing in this Act shall, during the Continuance of this present Parliament, extend or be construed to extend or relate to, or shall exclude or disable, any Person or Persons holding Offices or Places of Profit under the Crown of *Ireland* ; so nevertheless, that no greater Number than Twenty of the Persons holding such Offices or Places as aforesaid, shall be capable of sitting in the said House of Commons; and so that no Person holding any such Office or Place shall be capable of being elected, or of sitting in the said House, while there are Twenty Persons holding such Offices or Places sitting in the said House.

VIII Not to extend to Offices held for Life or during good Behaviour, except in certain Cases.

Provided also, and it is hereby further enacted and declared, That nothing in this Act shall extend or be construed to exclude any Person having or holding any Office, Place, or Employment for Life, or for so long as he shall behave himself well in his Office (other than and except the Commissioners of Imprest Accounts, and all Persons concerned in the managing, collecting, or farming of any Sums of Money, Duties, or other Aids granted or to be granted to His Majesty, His Heirs or Successors) ; any Thing herein contained to the contrary notwithstanding.

IX Members accepting any Office whatever from the King, or Lord Lieutenant, &c. of Ireland, shall vacate his Seat.

Provided always, That if any Person being chosen a Member of the House of Commons shall, from and after the passing of this Act, accept of any Office of Profit whatever, immediately and directly from the Crown of the said United Kingdom, or by the Nomination or Appointment, or by any other Appointment subject to the Approbation of the"-Lord Lieutenant, Lord Deputy, Lord Justices, or other Chief Governor or Governors of that Part of the said United Kingdom called *Ireland*, his Seat shall thereupon become vacant, and a "Writ shall issue for a new Election: Provided nevertheless, That such Person (if he be not incapacitated by any Thing herein-before contained), shall be capable of being again elected to be a Member of the House of Commons for the Place for which he had been a Member, or for any other Place sending Members to the House of Commons.