



Habeas Corpus Act 1816

1816 CHAPTER 100 56 Geo 3

2 Non-obedience to such Writ to be a Contempt of Court, and punishable accordingly. Judges to make Writs of Habeas Corpus, issued late in Vacation, returnable in Court in the next Term. Courts to make Writs issued in Term, returnable in Vacation.

If the person or persons to whom any writ of habeas corpus shall be directed according to the provision of this Act, upon service of such writ, either by the actual delivery thereof to him, her, or them, or by leaving the same at the place where the party shall be confined or restrained with any servant or agent of the person or persons so confining or restraining, shall wilfully neglect or refuse to make a return or pay obedience thereto, he, she, or they shall be deemed guilty of a contempt of the court, under the seal whereof such writ shall have issued; and it shall be lawful to and for the said justice or baron, before whom such writ shall be returnable, upon proof made by affidavit of wilful disobedience of the said writ, to issue a warrant under his hand and seal for the apprehending and bringing before him, or before some other justice or baron of the same court, the person or persons so wilfully disobeying the said writ, in order to his, her, or their being bound to the King's Majesty, with two sufficient sureties, in such sum as in the warrant shall be expressed, with condition to appear in the court of which the said justice or baron is a judge, at a day in the ensuing term to be mentioned in the said warrant, to answer the matter of contempt with which he, she, or they are charged; and in case of neglect or refusal to become bound as aforesaid, it shall be lawful for such justice or baron to commit such person or persons so neglecting or refusing to the [F¹jail or] prison of the court of which such justice or baron shall be a judge there to remain until he, she, or they shall have become bound as aforesaid, or shall be discharged by order of the court in term time, or by order of one of the justices or barons of the court in vacation; and the recognizance or recognizances to be taken thereupon shall be returned and filed in the same court, and shall continue in force until the matter of such contempt shall have been heard and determined, unless sooner ordered by the court to be discharged: Provided, that if such writ shall be awarded so late in the vacation by any one of the said justices or barons, that, in his opinion, obedience thereto cannot be conveniently paid during such vacation, the same shall and may, at his discretion, be made returnable in the court of which the said justice or baron shall be a justice or baron, at a day certain in the next term; and the said court shall and may proceed thereupon, and award process

Changes to legislation: There are currently no known outstanding effects for the Habeas Corpus Act 1816, Section 2. (See end of Document for details)

of contempt in case of disobedience thereto, in like manner as upon disobedience to any writ originally awarded by the said court: Provided also, that if such writ shall be awarded by the Court of King's Bench, or the Court of Common Pleas, or Court of Exchequer, in the said countries respectively, which last-mentioned court shall have like power to award such writs as the respective courts of King's Bench and Common Pleas in each of the said countries now have, in term, but so late that, in the judgment of the court, obedience thereto cannot be conveniently paid during such term, the same shall and may, at the discretion of the said court, be made returnable at a day certain in the then next vacation, before any justice or baron of the degree of the coif, or if in Ireland, before any justice or baron of the same court, who shall and may proceed thereupon, in such manner as by this Act is directed concerning writs issuing in and made returnable during the vacation.

Textual Amendments

F1 Words repealed (N.I.) by [Prison Act \(Northern Ireland\) 1953 \(c. 18\), s. 45](#)

Modifications etc. (not altering text)

C1 References to the Courts of King's Bench, Common Pleas and Exchequer to be construed as references (E.W.) to the High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\), ss. 18, 224\(1\)](#) and (N.I.) to the High Court of Justice in Northern Ireland: [Supreme Court of Judicature Act \(Ireland\) 1877 \(c. 57\), ss. 21, 71](#) and S. R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2(1) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 16\(2\), Sch. 5 para. 1](#)

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