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Act of Settlement 1700

1700 c.2 12_and_13_Will_3

An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject

Annotations:

Modifications etc. (not altering text)

C1 Short title given by Short Titles Act 1896 (c. 14), Sch. 1

Commencement Information

I1 Act in force at Royal Assent

Recital of Stat. 1 W. & M. Sess. 2. c. 2. Â§2. and that the late Queen and Duke of Gloucester are dead; and that His Majesty had recommended from the Throne a further Provision for the Succession of the Crown in the Protestant Line. The Princess

I. Whereasin the First Year of the Reign of Your Majesty and of our late most gracious Sovereign Lady Queen Mary (of blessed Memory) An Act of Parliament was made intituled [An Act for declaring the Rights and Liberties of the Subject and for setling the Succession of the Crown] wherein it was (amongst other things) enacted established and declared That the Crown and Regall Government of the Kingdoms of England France and Ireland and the Dominions thereunto belonging should be and continue to Your Majestie and the said late Queen during the joynt Lives of Your Majesty and the said Queen and to the Survivor And that after the Decease of Your Majesty and of the said Queen the said Crown and Regall Government should be and remain to the Heirs of the Body of the said late Queen And for Default of such Issue to Her Royall Highness the Princess Ann of Denmark and the Heirs of Her Body And for Default of such Issue to the Heirs of the Body of Your Majesty And it was thereby further enacted That all and every Person and Persons that then were or afterwards should be reconciled to or shall hold Communion with the See or Church of Rome or should professe the Popish Religion or marry a Papist should be excluded and are by that Act made for ever [^{F1} incapable] to inherit possess or enjoy the Crown and Government of this Realm and Ireland and the Dominions thereunto belonging or any part of the same or to have use or

Sophia,
Electress and
Duchess
Dowager of
Hanover,
Daughter of
the late
Queen of
Bohemia,
Daughter of
King James
the First, to
inherit after
the King and
the Princess
Anne, in
Default of
Issue of the
said Princess
and His
Majesty,
respectively
and the Heirs
of her Body,
being
Protestants.

exercise any regall Power Authority or Jurisdiction within the same And in all and every such Case and Cases the People of these Realms shall be and are thereby absolved of their Allegiance And that the said Crown and Government shall from time to time descend to and be enjoyed by such Person or Persons being Protestants as should have inherited and enjoyed the same in case the said Person or Persons so reconciled holding Communion professing or marrying as aforesaid were naturally dead After the making of which Statute and the Settlement therein contained Your Majesties good Subjects who were restored to the full and free Possession and Enjoyment of their [^{F2} Religion] Rights and Liberties by the Providence of God giving Success to Your Majesties just Undertakings and unwearied Endeavours for that Purpose had no greater temporall Felicity to hope or wish for then to see a Royall Progeny descending from Your Majesty to whom (under God) they owe their Tranquility and whose Ancestors have for many Years been principall Assertors of the reformed Religion and the Liberties of [^{F2} Europe] and from our said most gracious Sovereign Lady whose Memory will always be precious to the Subjects of these Realms And it having since pleased Almighty God to take away our said Sovereign Lady and also the most hopefull Prince William Duke of Gloucester (the only surviving Issue of Her Royall Highness the Princess Ann of Denmark) to the unspeakable Grief and Sorrow of Your Majesty and Your said good Subjects who under such Losses being sensibly put in mind that it standeth wholly in the Pleasure of Almighty God to prolong the Lives of Your Majesty and of Her Royall Highness and to grant to Your Majesty or to Her Royall Highness such Issue as may be inheritable to the Crown and Regall Government aforesaid by the respective Limitations in the said recited Act contained doe constantly implore the Divine Mercy for those Blessings And Your Majesties said Subjects having Daily Experience of Your Royall Care and Concern for the present and future Welfare of these Kingdoms and particularly recommending from Your Throne a further Provision to be made for the Succession of the Crown in the Protestant Line for the Happiness of the Nation and the Security of our Religion And it being absolutely necessary for the Safety Peace and Quiet of this [^{F2} Realm] to obviate all Doubts and Contentions in the same by reason of any pretended Titles to the [^{F2} Crown] and to maintain a Certainty in the Succession thereof to which Your Subjects may safely have Recourse for their Protection in case the Limitations in the said recited [^{F3} Act] should determine Therefore for a further Provision of the Succession of the Crown in the Protestant Line We Your Majesties most dutifull and Loyall Subjects the Lords Spirituall and Temporall and Commons in this present Parliament assembled do beseech Your Majesty that it may be enacted and declared and be it enacted and declared by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spirituall and Temporall and Comons in this present Parliament assembled and by the Authority of the same That the most Excellent Princess Sophia Electress and Dutchess Dowager of Hannover Daughter of the most Excellent Princess Elizabeth late Queen of Bohemia Daughter of our late Sovereign Lord King James the First of happy Memory be and is hereby declared to be the next in Succession in the Protestant Line to the Imperiall Crown and Dignity of the [^{F3} said] Realms of England France and Ireland with the Dominions and Territories thereunto belonging after His Majesty and the Princess Ann of Denmark and in Default of Issue of the said Princess Ann and of His Majesty respectively and that from and after the Deceases of His said Majesty our now Sovereign Lord and of Her Royall Highness the Princess Ann of Denmark and

for Default of Issue of the said Princess Ann and of His Majesty respectively the Crown and Regall Government of the said Kingdoms of England France and Ireland and of the Dominions thereunto belonging with the Royall State and Dignity of the said Realms and all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining shall be remain and continue to the said most Excellent Princess Sophia and the Heirs of Her Body being Protestants And thereunto the said Lords Spirituall and Temporall and Commons shall and will in the Name of all the People of this Realm most humbly and faithfully submit themselves their Heirs and Posterities and do faithfully promise That after the Deceases of His Majesty and Her Royall Highness and the failure of the Heirs of their respective Bodies to stand to maintain and defend the said Princess Sophia and the Heirs of Her Body being [^{F3} Protestants] according to the Limitation and Succession of the Crown in this Act specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt any thing to the contrary.

Annotations:

Amendments (Textual)

- F1 uncapable
- F2 interlined on the Roll
- F3 interlined on the Roll

Modifications etc. (not altering text)

- C2 S. 1 amended by His Majesty's Declaration of Abdication Act 1936 (1 Edw. 8 & 1 Geo. 6 c. 3), s. 1(2)

II. Provided always and it is hereby enacted That all and every Person and Persons who shall or may take or inherit the said Crown by vertue of the Limitation of this present Act and is are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall profess the Popish Religion or shall marry a Papist shall be subject to such Incapacities as in such Case or Cases are by the said recited Act provided enacted and established And that every King and Queen of this Realm who shall come to and succeed in the Imperiall Crown of this Kingdom by vertue of this Act shall have the Coronation Oath administred to him her or them at their respective Coronations according to the Act of Parliament made in the First Year of the Reign of His Majesty and the said late Queen Mary intituled An Act for establishing the Coronation Oath and shall make subscribe and repeat the Declaration in the Act first above recited mentioned or referred to in the Manner and Form thereby prescribed

The Persons inheritable by this Act, holding Communion with the Church of Rome, incapacitated as by the former Act; to take the Oath at their Coronation, according to Stat. 1 W. & M. c. 6.

Annotations:

Modifications etc. (not altering text)

- C3 S. 2 amended by Accession Declaration Act 1910 (c. 29), s. 1

III. And whereas it is requisite and necessary that some further Provision be made for securing our Religion Laws and Liberties from and after the Death of His Majesty and the Princess Ann of Denmark and in default of Issue of the Body of the said Princess and of His Majesty respectively Be it enacted by the Kings most Excellent Majesty by and with the Advice and Consent of the Lords Spirituall and Temporall and Commons in Parliament assembled and by the Authority of the same That whosoever shall hereafter come to the Possession of this Crown shall joyn in Communion with the Church of England as by Law established

Further Provisions for securing the Religion, Laws, and Liberties of these Realms.

That in case the Crown and Imperiall Dignity of this Realm shall hereafter come to any Person not being a Native of this Kingdom of England this Nation be not obliged to ingage in any Warr for the Defence of any Dominions or Territories which do not belong to the Crown of England without the Consent of Parliament.

... **F4**

[**F5** That after the said Limitation shall take Effect as aforesaid no Person born out of the Kingdoms of England Scotland or Ireland or the Dominions thereunto belonging (although he be . . . **F6** made a Denizen (except such as [**F7** are] born of English Parents) shall be capable to be of the Privy Council or a Member of either House of Parliament or to enjoy any Office or Place of Trust either Civill or Military or to have any Grant of Lands Tenements or Hereditaments from the Crown to himself or to any other or others in Trust for him]

... **F8**

That no Pardon under the Great Seal of England be pleadable to an Impeachment by the Commons in Parliament.

Annotations:

Amendments (Textual)

- F4** Words repealed by the Act 4 & 5 Ann. c. 20, s. 27 and the Act 1 Geo. 1 St. 2 c. 51
- F5** Words repealed, so far as they relate to British subjects and citizens of Eire, by British Nationality Act 1948 (c. 56), Sch. 4 Pt. I
- F6** Words repealed by British Nationality and Status of Aliens Act 1914 (c. 17), Sch. 3
- F7** interlined on the Roll
- F8** Words repealed by the Act 4 & 5 Ann. c. 20, s. 28, (E.W.) by Statute Law Revision and Civil Procedure Act 1881 (c. 59), Sch. and (N.I.) by Statute Law Revision Act 1950 (c. 6), Sch. 1

Modifications etc. (not altering text)

- C4** S. 3 excluded by Army Act 1955 (c. 18), s. 21(4), Air Force Act 1955 (c. 19), s. 21(4), Aliens' Employment Act 1955 (4 & 5 Eliz. 2 c. 18), s. 1(1), Army and Air Force Act 1961 (c. 52), s. 36(1), Armed Forces Act 1966 (c. 45), s. 16(1) and Solicitors Act 1974 (c. 47), s. 29; applied by Regency Act 1937 (c. 16), s. 3(2)
- C5** S. 3 excluded by British Nationality Act 1981 (c. 61, SIF 87), Sch. 7
 - S. 3 excluded by S.I. 1991/1221, art. 3
 - S. 3 excluded (28.5.1998) by 1998 c. 12, s. 4(4); S.I. 1998/1313, art. 2
 - S. 3 excluded (1.12.1998) by 1998 c. 38, s. 13(2) (with ss. 139(2), 143(2)); S.I. 1998/2789, art. 2
 - S. 3 restricted (1.7.1999) by 1998 c. 46, s. 16(2); S.I. 1998/3178, art. 2
 - S. 3 excluded (2.12.1999) by 1998 c. 47, s. 36(7) (with s. 95); S.I. 1999/3209, art. 2, Sch.

IV. And whereas the Laws of England are the Birthright of the People thereof and all the Kings and Queens who shall ascend the Throne of this Realm ought to administer the Government of the same according to the said Laws and all their Officers and Ministers ought to serve them respectively according to the same The said Lords Spirituall and Temporall and Commons do therefore further humbly pray That all the Laws and Statutes of this Realm for securing the established Religion and the Rights and Liberties of the People thereof and all other Laws and Statutes of the same now in Force may be ratified and confirmed And the same are by His Majesty by and with the Advice and Consent of the said Lords Spirituall and Temporall and Commons and by Authority of the same ratified and confirmed accordingly.

The Laws and Statutes of the Realm confirmed.

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Attributes of: Act of Settlement 1700 Act 1700 (c.2)

<u>Version no</u>	<u>Start date</u>	<u>End date</u>	<u>Extent</u>	<u>Confers power</u>	<u>Blanket amendment</u>
> 1	01/02/1991		E+W	N	N

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