

**Reprint
as at 26 March 2015**



Bill of Rights 1688

Imperial Act 2
Date of assent 16 December 1689
Commencement 16 December 1689

Contents

| | Page |
|-------------------------------|------|
| Title | 2 |
| Preamble | |
| 1 No dispensing power | 4 |
| Late dispensing illegal | 4 |
| Ecclesiastical Courts illegal | 4 |
| Levying money | 4 |
| Right to petition | 4 |
| Standing army | 4 |
| Subjects' arms | 4 |
| Freedom of election | 4 |
| Freedom of speech | 4 |
| Excessive bail | 5 |
| Juries | 5 |
| Grants of forfeitures | 5 |
| Frequent Parliaments | 5 |
| Tender of the Crown | 5 |
| New oaths of allegiance, etc | 6 |
| Allegiance | 6 |
| Supremacy | 6 |

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

| | | |
|---|--|---|
| | Acceptance of the Crown | 6 |
| | The 2 Houses to sit | 6 |
| | Subjects' liberties to be allowed | 6 |
| | William and Mary declared King and Queen | 7 |
| | Limitation of the Crown | 7 |
| | Papists debarred the Crown | 8 |
| | All Kings, etc, to take the declaration | 8 |
| | If under 12 years old, to be done after attainment thereof | 8 |
| | King's assent | 9 |
| 2 | Non obstantes made void | 9 |
| 3 | <i>[Repealed]</i> | 9 |

An Act declaring the rights and liberties of the subject, and settling the succession of the Crown

Preamble

Whereas the Lords Spiritual and Temporal, and Commons, assembled at Westminster, lawfully, fully, and freely representing all the estates of the people of this realm, did upon 13 February, in the year of our Lord 1688, present unto their Majesties, then called and known by the names and style of William and Mary, Prince and Princess of Orange, being present in their proper persons, a certain declaration in writing, made by the said Lords and Commons, in the words following, viz:

The heads of abdication

Whereas the late King James the Second, by the assistance of divers evil counsellors, Judges, and Ministers employed by him, did endeavour to subvert and extirpate the Protestant religion, and the laws and liberties of this kingdom:

Dispensing power

By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of Parliament:

Committing Prelates

By committing and prosecuting divers worthy Prelates, for humbly petitioning to be excused from concurring to the said assumed power:

Ecclesiastical Commission

By issuing and causing to be executed a Commission under the Great Seal for erecting a court, called "The Court of Commissioners for Ecclesiastical Causes":

Levying money

By levying money for and to the use of the Crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by Parliament:

Standing army

By raising and keeping a standing army within this kingdom in time of peace, without consent of Parliament, and quartering soldiers contrary to law:

Disarming Protestants

By causing several good subjects, being Protestants, to be disarmed, at the same time when Papists were both armed and employed, contrary to law:

Violating elections

By violating the freedom of election of members to serve in Parliament:

Wrong prosecutions

By prosecutions in the Court of King's Bench for matters and causes cognisable only in Parliament, and by divers other arbitrary and illegal courses:

Juries

And whereas, of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders:

Excessive bail

And excessive bail has been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects:

Fines and punishments

And excessive fines have been imposed, and illegal and cruel punishments inflicted:

Grants of fines, etc

And several grants and promises made of fines and forfeitures, before any conviction or judgment against the persons upon whom the same were to be levied:

All which are utterly and directly contrary to the known laws and statutes, and freedom of this realm:

And whereas, the said late King James the Second having abdicated the government, and the throne being thereby vacant, His Highness the Prince of Orange (whom it has pleased Almighty God to make the glorious instrument of delivering this kingdom from Popery and arbitrary power) did (by the advice of the Lords Spiritual and Temporal, and divers principal persons of the Commons) cause letters to be written to the Lords Spiritual and Temporal, being Protestants, and other letters to the several counties, cities, universities, boroughs, and cinqueports, for the choosing of such persons to represent them as were of right to be sent to Parliament, to meet and sit at Westminster upon 22 January in this year 1688, in order to such an establishment as that their religion, laws, and liberties might not again be in danger of being subverted: upon which letters, elections having been accordingly made:

The subjects' rights

And thereupon the said Lords Spiritual and Temporal, and Commons, pursuant to their respective letters and elections, being now assembled, in a full and free repre-

sentative of this nation, taking into their most serious consideration the best means for attaining the ends aforesaid, do in the first place (as their ancestors in like case have usually done), for the vindicating and asserting their ancient rights and liberties, declare—

1 No dispensing power

That the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of Parliament, is illegal:

Late dispensing illegal

That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it has been assumed and exercised of late, is illegal:

Ecclesiastical Courts illegal

That the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other Commissions and Courts of like nature, are illegal and pernicious:

Levying money

That levying money for or to the use of the Crown, by pretence of prerogative, without grant of Parliament, for longer time or in other manner than the same is or shall be granted, is illegal:

Right to petition

That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal:

Standing army

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law:

Subjects' arms

That the subjects which are Protestants may have arms for their defence suitable to their conditions, and as allowed by law:

Freedom of election

That election of members of Parliament ought to be free:

Freedom of speech

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament:

Excessive bail

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted:

Juries

That jurors ought to be duly impanelled and returned:

Section 1: amended, on 22 June 1825, by section 62 of the Juries Act 1825 (6 Geo IV, c 50 (Imp)).

Grants of forfeitures

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void:

Frequent Parliaments

And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, Parliaments ought to be held frequently:

And they do claim, demand, and insist upon all and singular the premisses, as their undoubted rights and liberties; and that no declarations, judgments, doings, or proceedings, to the prejudice of the people in any of the said premisses, ought in any wise to be drawn hereafter into consequence or example, to which demand of their rights they are particularly encouraged by the declaration of His Highness the Prince of Orange, as being the only means for obtaining a full redress and remedy therein:

Tender of the Crown

Having therefore an entire confidence that His said Highness the Prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights, which they have here asserted, and from all other attempts upon their religion, rights, and liberties, the said Lords Spiritual and Temporal, and Commons, assembled at Westminster, do resolve that William and Mary, Prince and Princess of Orange be, and be declared, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, to hold the Crown and royal dignity of the said kingdoms and dominions to them the said Prince and Princess during their lives, and the life of the survivor of them; and that the sole and full exercise of the regal power be only in and executed by the said Prince of Orange in the names of the said Prince and Princess, during their joint lives; and, after their deceases, the said Crown and royal dignity of the said kingdoms and dominions to be to the heirs of the body of the said Princess; and, for default of such issue, to the Princess Anne of Denmark, and the heirs of her body; and, for default of such issue, to the heirs of the body of the said Prince of Orange: And the Lords Spiritual and Temporal, and Commons, do pray the said Prince and Princess to accept the same accordingly:

New oaths of allegiance, etc

And that the oaths hereafter mentioned be taken by all persons of whom the Oaths of Allegiance and Supremacy might be required by law, instead of them; and that the said Oaths of Allegiance and Supremacy be abrogated:

Allegiance

I, A B, do sincerely promise and swear that I will be faithful and bear true allegiance to their Majesties King William and Queen Mary.

So help me God:

Supremacy

I, A B, do swear that I do from my heart abhor, detest, and abjure, as impious and heretical, this damnable doctrine and position, "That Princes excommunicated or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects, or any other whatsoever". And I do declare that no foreign prince, person, prelate, State, or potentate has, or ought to have, any jurisdiction, power, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm.

So help me God:

Acceptance of the Crown

Upon which their said Majesties did accept the Crown and royal dignity of the kingdoms of England, France, and Ireland, and the dominions thereunto belonging, according to the resolution and desire of the said Lords and Commons contained in the said declaration:

The 2 Houses to sit

And thereupon their Majesties were pleased that the said Lords Spiritual and Temporal, and Commons, being the 2 Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make effectual provision for the settlement of the religion, laws, and liberties of this kingdom, so that the same for the future might not be in danger again of being subverted; to which the said Lords Spiritual and Temporal, and Commons, did agree and proceed to act accordingly:

Subjects' liberties to be allowed

Now, in pursuance of the premisses, the said Lords Spiritual and Temporal, and Commons, in Parliament assembled, for the ratifying, confirming, and establishing the said declaration, and the articles, clauses, matters, and things therein contained, by the force of a law made in due form by authority of Parliament, do pray that it may be declared and enacted that all and singular the rights and liberties asserted and claimed in the said declaration are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed, and taken to be, and that all and every

the particulars aforesaid shall be firmly and strictly held and observed, as they are expressed in the said declaration; and all officers and Ministers whatsoever shall serve their Majesties and their successors according to the same in all times to come:

William and Mary declared King and Queen

And the said Lords Spiritual and Temporal, and Commons, seriously considering how it has pleased Almighty God, in His marvellous providence, and merciful goodness to this nation, to provide and preserve their said Majesties' royal persons most happily to reign over us upon the throne of their ancestors, for which they render unto Him from the bottom of their hearts their humblest thanks and praises, do truly, firmly, assuredly, and in the sincerity of their hearts think, and do hereby recognise, acknowledge, and declare, that, King James the Second having abdicated the government, and their Majesties having accepted the Crown and royal dignity as aforesaid, their said Majesties did become, were, are, and of right ought to be, by the laws of this realm, our Sovereign Liege Lord and Lady, King and Queen of England, France, and Ireland, and the dominions thereunto belonging, in and to whose princely persons the royal state, Crown, and dignity of the said realms, with all honours, styles, titles, regalities, prerogatives, powers, jurisdictions, and authorities to the same belonging and appertaining, are most fully, rightfully, and entirely invested and incorporated, united, and annexed:

Limitation of the Crown

And for preventing all questions and divisions in this realm by reason of any pretended titles to the Crown, and for preserving a certainty in the succession thereof, in and upon which the unity, peace, tranquillity, and safety of this nation doth, under God, wholly consist and depend, the said Lords Spiritual and Temporal, and Commons, do beseech their Majesties that it may be enacted, established, and declared that the Crown and regal government of the said kingdoms and dominions, with all and singular the premisses thereunto belonging and appertaining, shall be and continue to their said Majesties, and the survivor of them, during their lives, and the life of the survivor of them: And that the entire, perfect, and full exercise of the regal power and government be only in and executed by His Majesty in the names of both their Majesties during their joint lives; and after their deceases the said Crown and premisses shall be and remain to the heirs of the body of Her Majesty; and, in default of such issue, to Her Royal Highness the Princess Anne of Denmark, and the heirs of her body; and, for default of such issue, to the heirs of the body of His said Majesty: And thereunto the said Lords Spiritual and Temporal, and Commons, do, in the name of all the people aforesaid, most humbly and faithfully submit themselves, their heirs and posterities, for ever; and do faithfully promise that they will stand to, maintain, and defend their said Majesties, and also the limitation and succession of the Crown herein specified and contained, to the utmost of

their powers, with their lives and estates, against all persons whatsoever that shall attempt anything to the contrary:

Papists debarred the Crown

And whereas it has been found by experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be governed by a Popish Prince, or by any King or Queen marrying a Papist, the said Lords Spiritual and Temporal, and Commons, do further pray that it may be enacted that all and every person and persons that 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 excluded, and be for ever 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 exercise any regal power, authority, or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and 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, or professing, or marrying as aforesaid, were naturally dead:

Section 1 **Papists debarred the Crown**: this Act continues to be part of the laws of New Zealand, but as if this section had been amended by deleting “or by any King or Queene marrying a Papist”; and “or shall marry a Papist”; and “or marrying”, at 1 pm on 26 March 2015, by section 10 of the Royal Succession Act 2013 (2013 No 149).

All Kings, etc, to take the declaration

And that every King and Queen of this realm, who at any time hereafter shall come to and succeed in the Imperial Crown of this kingdom, shall on the first day of the meeting of the first Parliament next after his or her coming to the Crown, sitting in his or her throne in the House of Peers, in the presence of the Lords and Commons therein assembled, or at his or her coronation, before such person or persons who shall administer the Coronation Oath to him or her, at the time of his or her taking the said oath (which shall first happen), make, subscribe, and audibly repeat the declaration set out in the Schedule of the Accession Declaration Act 1910.

Section 1 heading: amended, on 3 August 1910, pursuant to section 1 of the Accession Declaration Act 1910 (10 Edw 7 and 1 Geo 5, c 29 (Imp)).

Section 1: amended, on 3 August 1910, by section 1 of the Accession Declaration Act 1910 (10 Edw 7 and 1 Geo 5, c 29 (Imp)).

If under 12 years old, to be done after attainment thereof

But if it shall happen that such King or Queen, upon his or her succession to the Crown of this realm, shall be under the age of 12 years, then every such King or Queen shall make, subscribe, and audibly repeat the said declaration at his or her coronation, or the first day of the meeting of the first Parliament as

aforesaid, which shall first happen, after such King or Queen shall have attained the said age of 12 years:

King's assent

All which their Majesties are contented and pleased shall be declared, enacted, and established by authority of this present Parliament, and shall stand, remain, and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in Parliament assembled, and by the authority of the same, declared, enacted, and established accordingly.

2 Non obstantes made void

And be it further declared and enacted by the authority aforesaid that, from and after this present session of Parliament, no dispensation by *non obstante* of or to any Statute, or any part thereof, shall be allowed, but that the same shall be held void and of no effect, except a dispensation to be allowed of in such Statute, and except in such cases as shall be specially provided for by 1 or more Bill or Bills to be passed during this present session of Parliament.

3

[Repealed]

Section 3: repealed, on 1 January 1989, pursuant to section 4(1) of the Imperial Laws Application Act 1988 (1988 No 112).

Reprints notes

1 *General*

This is a reprint of the Bill of Rights 1688 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Royal Succession Act 2013 (2013 No 149): section 10

Imperial Laws Application Act 1988 (1988 No 112): section 4(1)

Accession Declaration Act 1910 (10 Edw 7 and 1 Geo 5, c 29 (Imp)): section 1

Juries Act 1825 (6 Geo IV, c 50 (Imp)): section 62