

CHAP. 50.

An Act for disqualifying Bankrupts from sitting or voting in the House of Lords. [13th July 1871.] A.D. 1871

WHEREAS it is necessary for the preservation of the dignity and independence of Parliament that bankrupts should be disqualified from sitting or voting in the House of Lords:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Bankruptcy Disqualification Act, 1871."

Disqualification of bankrupt peers.

2. Every peer who becomes a bankrupt shall be disqualified from sitting or voting in the House of Lords, or in any Committee thereof, and further, if a peer of Scotland or Ireland, shall be disqualified from being elected to sit and vote in the House of Lords.

What constitutes bankruptcy.

3. A peer shall be deemed to have become bankrupt in manner and from and after the date herein-after mentioned; that is to say,

As to England,—

When an order has been made under any Act of Parliament adjudging him a bankrupt, from and after the date of such order; or,

When a special resolution has been passed in pursuance of the Bankruptcy Act, 1869, declaring that his affairs are to be liquidated by arrangement, from and after the date of the registration of such resolution.

As to Scotland,—

When on any petition for sequestration a delivrance has been pronounced awarding sequestration of his estate, from and after the date of such delivrance.

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As to Ireland,—

When on any petition of bankruptcy he has been adjudged by the Court of Bankruptcy and Insolvency in Ireland to be a bankrupt, from and after the date of the adjudication; or when he has filed a petition for an arrangement with his creditors under the superintendence of the said court, from and after the date of filing such petition.

Restitution of peer to privileges on determination of bankruptcy.

4. A peer who has become a bankrupt, in the event of his bankruptcy being determined as herein-after mentioned, shall from and after the date of such determination, if otherwise entitled, be qualified to sit and vote in the House of Lords, or in any Committee thereof, and if a peer of Scotland or Ireland to be elected to sit and vote in the House of Lords, and when so elected to sit and vote in that House.

For the purposes of this Act, a bankruptcy shall be deemed to be determined,

As to England or Ireland,—

Where an order has been made adjudging a peer to be a bankrupt, if such order is annulled on the ground that the person against whom the order is made ought never to have been adjudged a bankrupt.

As to Scotland,—

Where a delivrance has been pronounced awarding sequestration of a peer's estate, if the sequestration is recalled on the ground that his estate ought never to have been sequestrated.

Also as to the United Kingdom,—

Where such bankrupt has been duly discharged, either by actual payment or satisfaction, or in the mode prescribed by the respective statutes in force in that behalf, from all debts and liabilities due at his bankruptcy from which he can be so discharged; and when he shall further satisfy the House that he is also discharged from the debts and liabilities (if any) to which he was liable at the date of his bankruptcy, and which are specially excepted from the operation of his discharge under the said statutes.

Vacancy in seat of representative peer.

5. The seat of a representative peer for Scotland or Ireland shall, unless his bankruptcy be determined within one year after the date of his becoming a bankrupt, be vacated at the expiration of the year, and a new election be held to fill the vacancy.

Penalty for disqualified person sitting or voting in the House of Lords.

6. If any person disqualified by this Act from sitting and voting in the House of Lords sits or votes or attempts to sit or vote in that House, or in any Committee thereof, he shall be guilty of a breach of privilege, and be dealt with as the House of Lords may direct.

Certificate of bankruptcy of peer.

7. Where a peer becomes bankrupt within the meaning of this Act, the court having jurisdiction in respect of such bankruptcy shall cause the fact of such peer having become bankrupt to be certified to the Speaker of the House of Lords and the Clerk of the Crown in Chancery, and the Speaker shall, as soon as conveniently may be, inform the House of such certificate, and a record of such certificate shall be entered in the journals of the House.

Prohibition of writ of summons.

8. A writ of summons shall not be issued to any peer for the time being disqualified from sitting or voting in the House of Lords.

To whom this Act shall apply.

9. This Act shall apply—

To any person who before or after the passing of this Act becomes bankrupt, and subsequently succeeds to a peerage, whose bankruptcy has not determined at the time of his so succeeding, in the same manner as if he had been a peer at the date of his becoming bankrupt; also

To any person who has become bankrupt before the time of the passing of this Act, and whose bankruptcy has not determined at such time, in the same manner as if his bankruptcy had occurred immediately after the passing of this Act.

Saving clause.

10. Nothing in this Act contained—

(1.) Shall, except as herein expressly provided, deprive any peer of any privileges to which he may be entitled in right of his peerage; or,

(2.) Shall qualify any person to be elected to or sit or vote in the House of Commons who would not have been so qualified if this Act had not passed.

Definition of "peer."

11. "Peer" shall mean and include a peer of the United Kingdom or of any part of the United Kingdom, or any other Lord of Parliament.

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