Privilege of Parliament Act (Ireland) 1727

Chapter 8

An Act for preventing inconveniencies that may happen by privilege of Parliament.[1]

To prevent delays in suits.

FOR the preventing all delays the King or his subjects may receive in any of his courts of law or equity, and for their ease in their recovery of their rights and titles to any lands, tenements, or hereditaments, and their debts or other dues, for which they have cause of suit or action.

Persons intitled to privilege of Parliament may be sued after 14 days following dissolution or prorogation till 14 days before the meeting;

and judgment be given and execution;

[I.] . . .[2] ANY person and persons shall and may commence and prosecute any action or suit in any of His Majesty's courts of record . . .[3], against any peer of this realm, or lord of Parliament, or against any of the knights, citizens, and burgesses of the house of commons for the time being, or against their or any of their menial or other servants, or any other person intituled to the privilege of Parliament, at any time from and immediately after fourteen days next following the dissolution or prorogation of any Parliament, until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled; and that the said respective courts shall and may at any time after fourteen days next following such dissolution or prorogation as aforesaid, and until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled, proceed to give judgment, and to make final orders, decrees, and sentences, and award execution thereupon; any privilege of Parliament to the contrary notwithstanding.

But the person not arrested for 40 days before meeting, or after prorogation or dissolution;

II.[4] PROVIDED nevertheless, That this act shall not extend to subject the person of any of the knights, citizens, or burgesses of the house of commons, or any other person intitled to the privilege of Parliament, to be arrested for the space of forty days before the beginning or meeting of any Parliament, or for the like space of forty days after the prorogation or dissolution of this present, or any other Parliament: nevertheless

process may go out of B.R.C.B. and Exchequer, after 14 days after and till 14 days before:

if any person or persons shall have cause of action or complaint against any peer of this realm or lord of Parliament, such person or persons at any time after fourteen days next following any dissolution or prorogation as aforesaid, until fourteen days immediately before a new Parliament shall meet, or the same be re-assembled, shall and may have such process out of His Majesty's courts of King's bench, Common pleas, and Exchequer, against such peer and lord of Parliament, as he or they might have had against him out of the time of privilege: and if any person or persons shall have cause of action against any of the said knights, citizens, or burgesses, or any other person intitled to privilege of Parliament, such person or persons, at any time after fourteen days next following any such dissolution or prorogation as aforesaid, until fourteen days immediately before the meeting or reassembling of any Parliament, shall and may prosecute such knight, citizen, or burgess, or other person intitled to the privilege of Parliament, in His Majesty's courts of King's bench, Common pleas, or Exchequer by summons and distress infinite, or by original bill and summons, attachment, and distress infinite thereupon, to be issued out of any the said courts of record, which the said respective courts are hereby impowered to issue against them, or any of them, until he or they shall enter a common appearance, or file common bail to the plaintiff's action, according to the course of each respective court; and any person or persons, having cause of suit or complaint, may in the times aforesaid exhibit any bill or complaint against any peer of this realm, or lord of Parliament, or against any of the said knights, citizens, or burgesses, or other person intitled to the privilege of Parliament, in the high court of Chancery, or court of Exchequer, and may proceed thereupon by letter or subpœna as is usual, and upon leaving a copy of the bill with the defendant, or at his house, or lodging, or last place of abode, may proceed thereon; and for want of an appearance or answer, or for non-performance of any order or decree, or for breach thereof, may sequester the real and personal estate of the party, as is used and practised, where the defendant is a peer of this realm; but shall not arrest or imprison the body of any of the said knights, citizens, and burgesses, or other privileged persons, during the space of forty days immediately before the beginning or meeting of any Parliament, or during the like space of forty days immediately after the prorogation or dissolution of this Parliament, or any other Parliament.

and summons, distress infinite, &c. shall issue till common appearance or bail.

Suits in Chancery or Exchequer may be exhibited and proceeded upon as usual in the times aforesaid:

but the body shall not be arrested 40 days before or after.

Plaintiff delayed by privilege not barred by limitation, or nonsuited, &c.

III. AND where any plaintiff shall by reason or occasion of privilege of Parliament be stayed or prevented from prosecuting any suit by him commenced, such plaintiff shall not be barred by any statute of limitation, or nonsuited, dismissed, nor his suit discontinued for want of prosecution of the suit by him begun, but shall from time to time after fourteen days from the rising of the Parliament be at liberty to proceed to judgment and execution.

No privilege for the King's debtor or accountant,

IV. AND no action, suit, process, order, judgment, decree, or proceeding in law or equity against the King's original and immediate debtor for the recovery or obtaining of any debt or duty, originally and

except as to his person 40 days before or after, &c.

immediately due or payable unto His Majesty, his heirs and successors, or against any accomptant or person answerable or liable to render any account unto His Majesty, his heirs or successors, for any part or branch of any of his or their revenues, or other original and immediate debt or duty, or the execution of any such process, order, judgment, decree, or proceedings, shall be impeached, stayed, or delayed, by or under the colour or pretence of any privilege of Parliament: yet so nevertheless, that the person or persons of any such debtor or accomptant, or person answerable or liable to account, being a peer of this realm, or lord of Parliament, shall not be liable to be arrested or imprisoned by or upon any such suit, order, judgment, decree, process, or proceeding; or, being a member of the house of commons, shall not during the space of forty days immediately before the beginning or meeting of any Parliament, or during the like space of forty days immediately after the prorogation or dissolution of this present or any other Parliament, be arrested or imprisoned by or upon any such order, judgment, decree, process, or proceedings.

S.V rep. by SLR (I) 1878

References

1. Short title "The Privilege of Parliament Act (Ireland) 1727", 1951 c.1 (NI) As to NI Assembly, see 1973 c.36 s.26
2. Rep., SLR 1953
3. Rep., 1978 c.23 s.122(2) sch.7 Pt.II
4. Jurisdiction of Cts. of King's Bench, Common Pleas, Exchequer and Chancery now exercised by High Ct. (NI), 1877 c.57 ss.4, 21; 1920 c.67 s.41; 1978 c.23 s.122(1) sch.5 Pt.I