



Australian Capital Territory

Act of Settlement 1700 12 and 13 Will 3 c 2

Republication No 1

Republication date: 5 July 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Act of Settlement 1700* 12 and 13 Will 3 c 2 as in force on 5 July 2002. It includes any commencement, repeal or expiry affecting the republished law and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Act of Settlement 1700

12 and 13 Will 3 c 2

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Australian Capital Territory

Act of Settlement 1700 12 and 13 Will 3 c 2

An Act for the further limitation of the crown and better securing the rights and liberties of the subject

Preamble

Whereas in 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 settling the succession of the crown) wherein it was (amongst other things) enacted, established and declared that the crown and regal government of the kingdoms of England, France and Ireland and the dominions thereunto belonging should be and continue to your Majesty and the said late Queen during the joint 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 regal government should be and remain to the heirs of the body of the said late Queen and for 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 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 profess the popish religion or marry a papist should be excluded and are by that Act made 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 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 Majesty's good subjects who were restored to the full and free possession and enjoyment of their religion, rights and liberties by the providence of God giving success to your Majesty's just undertakings and unwearied endeavours for that purpose had no greater temporal felicity to hope or wish for than to see a royal progeny descending from your Majesty to whom (under God) they owe their tranquillity and whose ancestors have for many years been principal assertors of the reformed religion and the liberties of

Preamble

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 hopeful Prince William Duke of Gloucester (the only surviving issue of her royal Highness the Princess Anne 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 royal Highness and to grant to your Majesty or to her royal Highness such issue as may be inheritable to the crown and regal government aforesaid by the respective limitations in the said recited Act contained do constantly implore the divine mercy for those blessings should determine.

Therefore for a further provision of the succession of the crown in the protestant line we your Majesty's most dutiful and loyal subjects the lords spiritual and temporal 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 King'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:

1 The Princess 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

The most excellent Princess Sophia Electress and Duchess dowager of Hanover 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 imperial crown and dignity of the said realms of England, France and Ireland with the dominions and territories thereunto belonging after his Majesty and the Princess Anne of Denmark and in default of issue of the said Princess Anne and of his Majesty respectively and that from and after the deceases of his said Majesty our now sovereign lord and of her royal Highness the Princess Anne of Denmark and for default of issue of the said Princess Anne and of his Majesty respectively the crown and regal government of the said kingdoms of England, France and Ireland and of the dominions thereunto belonging with the royal state and dignity of the said realms and all honours, styles, titles, regularities, prerogatives, powers, jurisdictions and authorities to the same belonging and apertaining 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 spiritual and temporal 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 royal Highness and the failure of the heirs of the respective bodies to stand to maintain and defend the said Princess Sophia and the heirs of her body being protestants according to the limitation and succession of the

Section 2

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.

2 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

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 virtue 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 imperial crown of this kingdom by virtue of this Act shall have the coronation oath administered to him, her or them at their respective coronations according to law and shall make, subscribe and repeat the declaration required by law.

3 Further provisions for securing the religion, laws and liberties of these realms

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 Anne of Denmark and in default of issue of the body of the said princess and of his Majesty respectively:

Be it enacted by the King's most excellent Majesty 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:

Section 4

That whosoever shall hereafter come to the possession of this crown shall join in communion with the Church of England as by law established.

That in case the crown and imperial 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 engage in any war for the defence of any dominions or territories which do not belong to the crown of England without the consent of Parliament.

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 naturalised or made a denizen (except such as are born of English parents), shall be capable to be of the privy council or a member of either House or Parliament or to enjoy any office or place of trust either civil 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.

That no pardon under the great seal of England be pleadable to an impeachment by the commons in Parliament.

4

The laws and statutes of the realm confirmed

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 spiritual and temporal 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.

Section 4

And the same are by his Majesty by and with the advice and consent of the said lords spiritual and temporal and commons and by authority of the same ratified and confirmed accordingly.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	p = page
cl = clause	par = paragraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	prov = provision
exp = expires/expired	pt = part
Gaz = Gazette	r = rule/subrule
hdg = heading	reg = regulation/subregulation
IA = Interpretation Act 1967	renum = renumbered
ins = inserted/added	reloc = relocated
LA = Legislation Act 2001	R[X] = Republication No
LR = legislation register	s = section/subsection
LRA = Legislation (Republication) Act 1996	sch = schedule
mod = modified / modification	sdiv = subdivision
No = number	sub = substituted
num = numbered	SL = Subordinate Law
o = order	<u>underlining</u> = whole or part not commenced or to be expired
om = omitted/repealed	

3 Legislation history

This Act was originally a UK Act—The Act of Settlement 1700 12 and 13 Will 3 c 2 (UK). The Act was renamed as the *Act of Settlement 1700* when it was first republished under the *Legislation Act 2001*.

The Act was in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former UK laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967* (repealed), s 65 all former UK Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former UK Acts fully into ACT laws.

Act of Settlement 1700 12 and 13 Will 3 c 2

as amended by

Imperial Acts Application Act 1986 A1986-93 s 5 and sch 3 pt 12

notified 12 January 1987 (Cwlth Gaz 1986 No S1)

s 5 and sch 3 pt 12 commenced 12 January 1987 (s 2 (1))

4 Amendment history

The *Imperial Acts Application Act 1986* (the *1986 Act*), sch 3, pt 12 set out the text of this Act in an amended form and provided for the amended form to apply as the text of the Act in force in the ACT (see 1986 Act, s 5 (1), (4) and (5)).

The 1986 Act incorporated amendments made before 25 July 1828 by 4 and 5 Anne c 20 (1705) and 1 Geo 1 St 2 c 51 (1715). However, amendments made in the UK by the *Statute Law and Civil Procedure Act 1881* were not incorporated.

The Act referred to in the preamble is the *Bill of Rights 1688 1 Will and Mary sess 2 c 2*.

Endnotes

4 Amendment history

Section 1 was affected in the UK by *His Majesty's Declaration of Abdication Act 1936*.

Section 2, as in force in the UK on 1 January 1911, required the coronation oath and declaration to be in accordance with 1 Will and Mary c 6. However, that provision was superseded in the UK by the *Accession Declaration Act 1910* (UK), but the later Act did not amend the text of this Act. Section 2 was amended by the 1986 Act to require the oath and declaration to be taken according to law to avoid the need to amend the Act whenever the oath and declaration is amended in the UK.

Section 3, as in force on 25 July 1828, contained a paragraph about commissions for judges, the payment of judges' salaries and the removal of judges. This paragraph was omitted by the 1986 Act because these matters are dealt with in the ACT by the *Supreme Court Act 1933*.

This Act has not been amended since the enactment of the 1986 Act, except under the *Legislation Act 2001*.

Name of Act

am R1 LA

Authorised by the ACT Parliamentary Counsel—also accessible at
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