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TO

Amend section 3 of the Treason Felony Act 1848 in order to establish that it is no longer an offence to express an opinion in favour of republicanism or advocating the abolition of the monarchy; to amend the Act of Settlement to provide that persons in communion with the Roman Catholic Church are able to succeed to the Crown; to amend the law relating to the parliamentary oath; and for connected purposes.

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:—

1 Amendment of section 3 of the Treason Felony Act 1848

(1) Section 3 of the Treason Felony Act 1848 (c. 12) (Offences herein mentioned declared to be felonies) is amended as follows.

(2) At the end there is inserted—

“(2) But nothing in this section shall be held to create any offence in respect of words which—

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(a) support, propose or advocate the establishment by peaceful means of a system of Government in the United Kingdom in which Her Majesty or any of her heirs or successors cease to enjoy, or exercise as Monarch, any political or personal power, either directly through the person of the Monarch, or by prerogative, or through Ministers, or

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(b) support, propose or advocate that by peaceful means Her Majesty or any of her heirs or successors cease to enjoy, or exercise as Monarch, any political or personal power, either directly through the person of the Monarch, or by prerogative, or through Ministers.

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(3) In respect of subsection (2) “words” shall have the same meaning as in section 16 of the Defamation Act 1952 (c. 66) (Interpretation).”

2 Amendment of the Act of Settlement 1700

- (1) Section 2 of the Act of Settlement 1700 (c. 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incapacitated as by the former Act; to take the oath at their coronation, according to Stat 1 W & M c. 6) is hereby repealed. 5
- (2) In section 3 of the Act of Settlement 1700 (Further provisions for securing the religions, laws and liberties of these realms), the words “That whosoever shall hereafter come to the possession of this crown shall joyn in communion with the Church of England as by law established” are hereby omitted.

3 Alternative parliamentary oaths 10

- (1) There shall be an alternative oath for Members of the House of Commons as follows –

“I swear by Almighty God that I will, to the best of my ability, discharge the responsibilities required of me by virtue of my membership of the House of Commons and faithfully serve those whom I represent here.” 15

- (2) There shall be an alternative oath for Members of the House of Lords as follows –

“I swear by Almighty God that I will, to the best of my ability, discharge the responsibilities required of me by virtue of my membership of the House of Lords.” 20

4 Alternative parliamentary oaths: consequential provisions

- (1) The alternative parliamentary oaths in section 3 may be taken in the form prescribed in Part I of the Promissory Oaths Act 1868 (c. 72).
- (2) The provisions of sections 5 and 6 of the Oaths Act 1978 (c. 19) (Solemn affirmations) shall apply to the alternative parliamentary oaths in section 3. 25
- (3) Section 5 of the Parliamentary Oaths Act 1866 (c. 19) (Penalty for voting or sitting without taking the oath) is amended as follows –
- (a) in respect of any member of the House of Peers, after the words “the oath hereby appointed”, there is inserted “or the alternative parliamentary oath prescribed in section 3(2) of the Treason Felony, Act of Settlement and Parliamentary Oath Act 2002”; 30
- (b) in respect of any member of the House of Commons, after the words “the oath hereby appointed”, there is inserted “or the alternative parliamentary oath prescribed in section 3(1) of the Treason Felony, Act of Settlement and Parliamentary Oath Act 2002”. 35

5 Short title and commencement

- (1) This Act may be cited as the Treason Felony, Act of Settlement and Parliamentary Oath Act 2002.
- (2) This Act shall come into force on 1 January 2003.

Treason Felony, Act of Settlement and Parliamentary Oath Bill

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*Ordered to be brought in by
Mr Kevin McNamara, Ann Clwyd,
Mr Edward O'Hara, Paul Flynn,
Mr Malcolm Savidge, Jeremy Corbyn,
Mr Alex Salmond, Alice Mahon,
Andrew Mackinlay, Kevin Brennan and
John Austin.*

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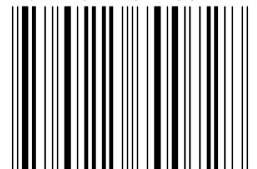
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