



# Habeas Corpus Act 1804

1804 CHAPTER 102 44 Geo 3

An Act for the more effectual Administration of Justice in England and Ireland by the issuing of Writs of Habeas Corpus ad testificandum, in certain Cases. [28th July 1804]

Whereas it is expedient for the more effectual administration of justice in England and Ireland that further provisions should be made for the issuing of writs of habeas corpus ad testificandum in certain cases:

#### Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 References to Ireland to be construed as exclusive of Republic of Ireland: S. R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

#### [1.] Any judge of the King's Bench, etc. may award writs of habeas corpus for bringing prisoners before courts to be examined as witnesses.

From and after the passing of this Act it shall be lawful for any judge of his Majesty's courts of King's Bench or Common Pleas of England and Ireland respectively, or any baron of his Majesty's Court of Exchequer of the degree of the coif in England, or any baron of his Majesty's Court of Exchequer in Ireland, . . . <sup>F1</sup> at his discretion, to award a writ or writs of habeas corpus, for bringing any prisoner or prisoners detained in any gaol or prison before any of the said courts, . . . <sup>F1</sup> or before any other court of record in the said parts of the said United Kingdom, to be there examined as a witness or witnesses, and to testify the truth before such courts, or any . . . <sup>F2</sup> jury, in any cause or causes, matter or matters, civil or criminal, whatsoever, which now are or hereafter shall be depending or to be enquired into or determined in any of the said courts.

#### Textual Amendments

- F1 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), [Sch. 7](#)
- F2 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#) and S.I. 1974/2143 (N.I. 6), [Sch. 5](#)

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Habeas Corpus Act 1804. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C3** Reference to judges of the Courts of King's Bench and Common Pleas and to barons of the Court of Exchequer to be construed as reference to (E.W.) a judge of the High Court: [Supreme Court of Judicature \(Consolidation\) Act 1925 \(c. 49\)](#), **ss. 18**, 224(1) and (N.I.) to a judge of the High Court of Justice in Northern Ireland: [Supreme Court of Judicature Act \(Ireland\) 1877 \(c. 57\)](#), **ss. 21**, 71 and S. R. & O. 1921/1802 (Rev. XVI, p. 954: 1921, p. 1332), art. 2(1) and [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), s. 16(2), **Sch. 5 para. 1**

2

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**Textual Amendments**

**F3** S. 2 repealed by [Statute Law Revision Act 1861 \(c. 101\)](#)

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Habeas Corpus Act 1804.