

ELIZABETH II



1963 CHAPTER 48

An Act to authorise the disclaimer for life of certain hereditary peerages; to include among the peers qualified to sit in the House of Lords all peers in the peerage of Scotland and peeresses in their own right in the peerages of England, Scotland, Great Britain and the United Kingdom; to remove certain disqualifications of peers in the peerage of Ireland in relation to the House of Commons and elections thereto; and for purposes connected with the matters aforesaid.

[31st July 1963]

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:—

Disclaimer of Peerage

1.—(1) Subject to the provisions of this section, any person who, after the commencement of this Act, succeeds to a peerage in the peerage of England, Scotland, Great Britain or the United Kingdom may, by an instrument of disclaimer delivered to the Lord Chancellor within the period prescribed by this Act, disclaim that peerage for his life.

Disclaimer of certain hereditary peerages.

(2) Any instrument of disclaimer to be delivered under this section in respect of a peerage shall be delivered within the period of twelve months beginning with the day on which the person disclaiming succeeds to that peerage or, if he is under the age of twenty-one when he so succeeds, the period of twelve months beginning with the day on which he attains that age; and no such instrument shall be delivered in respect of a peerage

by a person who has applied for a writ of summons to attend the House of Lords in right of that peerage.

(3) The foregoing provisions of this section shall apply to a person who has succeeded to a peerage before the commencement of this Act as they apply to a person who succeeds to a peerage after the commencement of this Act, but subject to the following modifications:—

- (a) the period within which an instrument of disclaimer may be delivered by such a person shall be twelve months beginning with the commencement of this Act or, if he is then under twenty-one years of age, twelve months beginning with the day on which he attains that age; and
- (b) an instrument of disclaimer may be delivered by such a person notwithstanding that he has applied before the commencement of this Act for a writ of summons to attend the House of Lords.

(4) In reckoning any period prescribed by this section for the delivery of an instrument of disclaimer by any person no account shall be taken of any time during which that person is shown to the satisfaction of the Lord Chancellor to have been subject to any infirmity of body or mind rendering him incapable of exercising or determining whether to exercise his rights under this section.

(5) The provisions of Schedule 1 to this Act shall have effect with respect to the form of instruments of disclaimer under this section, and the delivery, certification and registration of such instruments.

2.—(1) Where a person who succeeds to a peerage to which section 1 of this Act applies is a member of the House of Commons when he so succeeds, any instrument of disclaimer to be delivered by him under that section in respect of that peerage shall be delivered within the period of one month beginning with the date of his succession, and not later; and until the expiration of that period he shall not, by virtue of that peerage, be disqualified for membership of the House of Commons whether or not he has delivered such an instrument:

Provided that—

- (a) a person who is exempt from disqualification for membership of the House of Commons by virtue only of this subsection shall not sit or vote in that House while so exempt; and
- (b) if any such person applies for a writ of summons to attend the House of Lords in right of the peerage in question, this subsection shall cease to apply to him.

Disclaimer by members of the House of Commons and parliamentary candidates.

(2) Where a person who succeeds to such a peerage as aforesaid has been or is nominated as a candidate at a parliamentary election held in pursuance of a writ issued before his succession, he shall not (unless he applies for such a writ of summons as aforesaid) be disqualified by virtue of that peerage for election to the House of Commons at that election, and if he is so elected subsection (1) of this section shall apply to him as if he had succeeded to the peerage immediately after the declaration of the result of the election.

(3) Where an instrument of disclaimer is delivered under this Act by a person to whom this section applies, a copy of that instrument shall be delivered to the Speaker of the House of Commons.

(4) In reckoning any period prescribed by this section in relation to any person no account shall be taken—

- (a) of any time during which proceedings are pending on any parliamentary election petition in which the right of that person to be elected or returned to the House of Commons is in issue ;
- (b) of any time during which that person is shown to the satisfaction of the Speaker of the House of Commons to have been subject to any such infirmity as is mentioned in subsection (4) of section 1 of this Act ; or
- (c) of any time during which Parliament is prorogued or both Houses of Parliament are adjourned for more than four days ;

and if Parliament is dissolved during that period the foregoing provisions of this section shall cease to apply to that person in respect of the peerage in question.

3.—(1) The disclaimer of a peerage by any person under this Act shall be irrevocable and shall operate, from the date on which the instrument of disclaimer is delivered, — Effects of disclaimer.

- (a) to divest that person (and, if he is married, his wife) of all right or interest to or in the peerage, and all titles, rights, offices, privileges and precedence attaching thereto ; and
- (b) to relieve him of all obligations and disabilities (including any disqualification in respect of membership of the House of Commons and elections to that House) arising therefrom,

but shall not accelerate the succession to that peerage nor affect its devolution on his death.

(2) Where a peerage is disclaimed under this Act, no other hereditary peerage shall be conferred upon the person by whom it is disclaimed, and no writ in acceleration shall be issued in

respect of that peerage to the person entitled thereto on his death.

(3) The disclaimer of a peerage under this Act shall not affect any right, interest or power (whether arising before or after the disclaimer) of the person by whom the peerage is disclaimed, or of any other person, to, in or over any estates or other property limited or settled to devolve with that peerage.

(4) The reference in the foregoing subsection to estates or other property limited or settled to devolve with a peerage shall, for the purposes of the application of this Act to Scotland, be construed as including a reference to estates or other land devolving as aforesaid under an entail or special destination, or the beneficial interest in which so devolves under a trust.

*Parliamentary qualifications of Scottish Peers, Irish Peers
and Peeresses in own right*

Scottish
peerages.

4. The holder of a peerage in the peerage of Scotland shall have the same right to receive writs of summons to attend the House of Lords, and to sit and vote in that House, as the holder of a peerage in the peerage of the United Kingdom; and the enactments relating to the election of Scottish representative peers shall cease to have effect.

Irish
peerages.

5. The holder of a peerage in the peerage of Ireland shall not by virtue of that peerage be disqualified—

- (a) for being or being elected as a member of the House of Commons for any constituency in the United Kingdom; or
- (b) for voting at elections for that House whether or not he is a member of that House.

Peeresses in
own right.

6. A woman who is the holder of a hereditary peerage in the peerage of England, Scotland, Great Britain or the United Kingdom shall (whatever the terms of the letters patent or other instrument, if any, creating that peerage) have the same right to receive writs of summons to attend the House of Lords, and to sit and vote in that House, and shall be subject to the same disqualifications in respect of membership of the House of Commons and elections to that House, as a man holding that peerage.

Supplemental

7.—(1) This Act may be cited as the Peerage Act 1963.

Short title,
and repeals.

(2) The enactments described in Schedule 2 to this Act are hereby repealed to the extent mentioned in column 3 of that Schedule.

SCHEDULES

Section 1.

SCHEDULE 1

FORM, DELIVERY, CERTIFICATION AND REGISTRATION OF INSTRUMENTS OF DISCLAIMER

1. An instrument of disclaimer under this Act shall be an instrument under seal in the following form or any form to the like effect:

PEERAGE ACT 1963

WHEREAS I,
succeeded to the peerage[s] described in the Annex hereto on the date[s] specified in that Annex, and desire to disclaim the said peerage[s] for my life under the above mentioned Act;

AND WHEREAS I attained the age of 21 years [before the said date[s]] [on the day of];

NOW THEREFORE, I, the said.....
in accordance with the provisions of the said Act, hereby disclaim the said peerage[s] for my life.

IN WITNESS whereof I have hereunto set my hand and seal this day of

Signed and sealed by the said }
..... }
in the presence of: }
Signature of witness }
..... }
Address }
..... }
Description }

..... (L.S.)
(Signature)

ANNEX

<i>Description of peerage[s]</i>	<i>Date[s] of succession</i>

2. Any instrument of disclaimer under this Act shall be delivered to the office of the Clerk of the Crown in Chancery.

3. Where the Lord Chancellor is satisfied that an instrument of disclaimer in respect of a peerage has been delivered within the time allowed by this Act, he shall furnish to the person disclaiming the peerage a certificate to that effect, and shall cause particulars of the instrument and of his certificate to be entered in a register kept by him for the purpose, which shall be open to inspection by the public at all reasonable times.

4. A certificate of the Lord Chancellor that an instrument of disclaimer was delivered within the time allowed by this Act shall be conclusive evidence of that fact, but shall not be evidence of any other matter relevant to the validity of the instrument, including the right of the person by whom it was delivered to any peerage to which it relates.

SCHEDULE 2

Section 7.

ENACTMENTS REPEALED

Chapter	Title	Extent of Repeal
6 Anne c. 11...	The Union with Scotland Act 1706.	Article XXII of the Treaty of Union so far as that Article relates to peers of Scotland; and Article XXIII of that Treaty except the words from "that all peers of Scotland" to "enjoy the same".
1706 c. 7 ...	An Act of the Parliament of Scotland ratifying and approving the Treaty of Union of the two Kingdoms of Scotland and England.	Article XXII of the Treaty of Union so far as that Article relates to peers of Scotland; and Article XXIII of that Treaty except the words from "that all peers of Scotland" to "enjoy the same".
1706 c. 8 ...	An Act of the Parliament of Scotland settling the manner of electing the sixteen peers and forty-five commoners to represent Scotland in the Parliament of Great Britain.	So far as it relates to peers of Scotland.
6 Anne c. 78...	The Scottish Representative Peers Act 1707.	The whole Act.
39 & 40 Geo. 3. c. 67.	The Union with Ireland Act 1800.	In Article IV of the Treaty of Union, in the fourth paragraph, the words "of Great Britain".
40 Geo 3. c. 38 (Ir.)	The Act of Union (Ireland) Act 1800.	In Article IV of the Treaty of Union, in the fourth paragraph, the words "of Great Britain".
10 & 11 Vict. c. 52.	The Representative Peers (Scotland) Act 1847.	The whole Act.
14 & 15 Vict. c. 87.	The Representative Peers (Scotland) Act 1851.	The whole Act.
7 & 8 Geo. 5. c. 64.	The Representation of the People Act 1918.	Section 9(5) so far as saved by paragraph (a) of the proviso to section 80(7) of the Representation of the People Act 1948.
18 & 19 Geo. 5. c. 34.	The Reorganisation of Offices (Scotland) Act 1928.	Section 6.

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