

UNION WITH SCOTLAND ACT 1706

This table shows the textual repeals and amendments made to the Union with Scotland Act 1706. Some implied repeals are also shown but the table is by no means comprehensive in this respect.

Whereas Articles of Union were agreed on the Twenty Second day of July in the Fifth year of Your Majesties reign by the Commissioners nominated on behalf of the Kingdom of England under Your Majesties Great Seal of England bearing date at Westminster the Tenth day of April then last past in pursuance of an Act of Parliament made in England in the Third year of Your Majesties reign and the Commissioners nominated on the behalf of the Kingdom of Scotland under Your Majesties Great Seal of Scotland bearing date the Twenty Seventh day of February in the Fourth year of Your Majesties Reign in pursuance of the Fourth Act of the Third Session of the present Parliament of Scotland to treat of and concerning an Union of the said Kingdoms And Whereas an Act hath passed in the Parliament of Scotland at Edinburgh the Sixteenth day of January in the Fifth year of Your Majesties reign wherein 'tis mentioned that the Estates of Parliament considering the said Articles of Union of the two Kingdoms had agreed to and approved of the said Articles of Union with some Additions and Explanations And that Your Majesty with Advice and Consent of the Estates of Parliament for establishing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland had passed in the same Session of Parliament an Act intituled Act for securing of the Protestant Religion and Presbyterian Church Government which by the Tenor thereof was appointed to be inserted in any Act ratifying the Treaty and expressly declared to be a fundamental and essential Condition of the said Treaty or Union in all times coming the Tenor of which Articles as ratified and approved of with Additions and Explanations by the said Act of Parliament of Scotland follow

No textual amendments

Article

I

That the Two Kingdoms of Scotland and England shall upon the first day of May next ensuing the date hereof and forever after be United into One Kingdom by the Name of Great Britain And that the Ensigns Armorial of the said United Kingdom be such as Her Majesty shall appoint and the Crosses of St Andrew and St George be conjoined in such manner as Her Majesty shall think fit and used in all Flags Banners Standards and Ensigns both at Sea and Land

No textual amendments

Article

II

That the Succession to the Monarchy of the United Kingdom of Great Britain and of the Dominions thereunto belonging after Her Most Sacred Majesty and in default of Issue of Her Majesty be, remain and continue to the Most Excellent Princess Sophia Electoress and Dutchess Dowager of Hanover and the Heirs of Her body being Protestants upon whom the Crown of England is settled by an Act of Parliament made in England in the twelfth year of the Reign of His late Majesty King William the Third entituled An Act for the further Limitation of the Crown and better securing the Rights and Liberties of the Subject And that all Papists and persons marrying Papists shall be excluded from and for ever incapable to inherit possess or enjoy the Imperial Crown of Great Britain and the Dominions thereunto belonging or any part thereof And in every such case the Crown and Government shall from time to time descend to and be enjoyed by such person being a Protestant as should have inherited and enjoyed the same in case such Papists or person marrying a Papist was naturally dead according to the provision for the Descent of the Crown of England made by another Act of Parliament in England in the first year of the Reign of their late Majesties King William and Queen Mary entituled An Act declaring the Rights and Liberties of the Subject and settling the Succession of the Crown

•Re Succession

No textual amendments

Article
III

That the United Kingdom of Great Britain be Represented by one and the same parliament to be stiled the Parliament of Great Britain

•Re Parliament of Great Britain

No textual amendments

Article
IV

That all the Subjects of the United Kingdom of Great Britain shall from and after the Union have full Freedom and Intercourse of Trade and Navigation to and from any port or place within the said United Kingdom and the Dominions and Plantations thereunto belonging And that there be a Communication of all other Rights Privileges and Advantages which do or may belong to the Subjects of either Kingdom except where it is otherwayes expressly agreed in these Article

•Re Free Trade

No textual amendments

Article
V

(That all ships or vessels belonging to her Majesties Subjects of Scotland at the time of Ratifying the Treaty of Union of the Two Kingdoms in the Parliament of Scotland though foreign built be deemed and pass as ships of the build of Great Britain;.....)

•Re foreign ships and registration of ships

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article

VI

That all parts of the United Kingdom for ever from and after the Union shall have the same Allowances Encouragements and Drawbacks and be under the same prohibitions restrictions and regulations of Trade and liable to the same Customs and Duties on Import and Export And that the Allowances Encouragements and Drawbacks prohibitions restrictions and regulations of Trade and the Customs and Duties on Import and Export settled in England when the Union commences shall from and after the Union take place throughout the whole United Kingdom . . . *(excepting and reserving the duties upon Export and Import of such particular Commodities from which any persons the Subjects of either Kingdom are specially liberated and exempted by their private Rights which after the Union are to remain safe and entire to them in all respects as before the same) (And that from and after the Union no Scots cattle carried into England shall be lyable to any other Duties either on the publick or private Accounts than these Duties to which the Cattle of England are or shall be lyable within the said Kingdom.) (And seeing by the Laws of England there are rewards granted upon the exportation of certain kinds of Grain wherein Oats grinded or ungrinded are not expressed, that from and after the Union when Oats shall be sold at fifteen shillings Sterling per quarter or under there shall be payed two shilling and six pence Sterling for every quarter of the oatmeal exported in the terms of the Law whereby and so long as rewards are granted for Exportation of other Grains And that the Bear of Scotland have the same rewards as Barley. And in respect the Importation of Victual into Scotland from any place beyond Sea would prove a discouragement to Tillage, therefore that the Prohibition now in force by the Law of Scotland against importation of Victual from Ireland or any other place beyond Sea into Scotland, do after the Union remain in the same force as now it is until more proper and effectuall ways be provided by the Parliament of Great Britain for discouraging the Importation of the said Victual from beyond Sea)*

•Re exceptions for certain export duties

Words from "excepting and reserving" to "as before the same" repealed by Statute Law Revision Act 1948 (c 62) Sch. 1

Words from "And that from and after" onwards repealed by Statute Law (Repeals) Act 1973 (c 39) Sch.1 Part XIII

Words from "and seeing" to end repealed by Statute Law Revision Act 1867 (c 59), Sch

Article

VII

That all parts of the United Kingdom be for ever from and after the Union lyable to the same Excises upon all

Exciseable Liquors . . . (excepting only that the thirty four Gallons English Barrel of Beer or Ale amounting to twelve Gallons Scots present measure sold in Scotland by the Brewer at nine shillings six pence Sterling excluding all Duties and Retailed including Duties and the Retailers profit at two pence the Scots pint or the eight part of the Scots Gallon, be not after the Union lyable on account of the present Excise upon Exciseable Liquors in England, to any higher Imposition than two shillings Sterling upon the forsaied thirty four Gallons English barrel, being twelve gallons the presnt Scots measure And that the Excise settled in England on all other Liquors when the Union commences take place throughout the whole United Kingdom)

•Re exception for duty on Scottish beer or ale

Words from "excepting only that" to end repealed by Statute Law Revision Act 1948 (c 62), Sch 1

Article

VIII

(That from and after the Union all foreign Salt which shall be imported into Scotland shall be charged at the Importation there with the same Duties as the like Salt is now charged with being imported into England and to be levied and secured in the same manner.....)

•Re duty on salt

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article

IX

(That whenever the sum of One million, nine hundred and sixty three pounds, eight shillings and four pence half penny shall be enacted by the Parliament of Great Britain to be raised in that part of the United Kingdom now called England, on Land and other things usually charged in Acts of Parliament, there for granting an aid to the Crown as a Land tax;.....)

•Re land tax

Entire Article repealed by Statute Law (Repeals) Act 1973 (c 39), Sch 1 Part XIII

Article

X

(Re duties payable on vellum and parchment)

•Re duties payable on vellum and parchment

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article

XI

(Re duties payable on windows and light)

•Re duties payable on windows and light

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XII

(Re duties payable on coal and cinders)

•Re duties payable on coal and cinders

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XIII

(Re duties payable on malt)

•Re duties payable on malt

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XIV

(That the Kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the Union except these consented to in this Treaty, in regard it is agreed, That all necessary Provision shall be made by the Parliament of Scotland for publick Charge and Service of that Kingdom for the year 1707)

•Re further provisions on duties

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XV

(.....It is agreed, that Scotland shall have an equivalent for what the Subjects thereof shall be so charged towards payment of the said Debts of England... in manner following.....)

•Re payment of sum of money to Scotland

Entire Article repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XVI

That from and after the Union the Coin shall be of the same standard and value throughout the United Kingdom as now in England, (And a Mint shall be continued in Scotland under the same Rules as the Mint in England And the present Officers of the Mint continued subject to such Regulations and Alteration as Her Majesty Her Heirs or Successors, or the Parliament of Great Britain shall think fit)

•Re continuation of Scottish Mint

Words from "and a Mint" to end repealed by Statute Law Revision Act 1867 (c 59) Sch

Article
XVII

(That from and after the Union the same Weights and Measures shall be used throughout the United Kingdom, as are now Established in England; And Standards of Weights and Measures shall be kept by those Burroughs in Scotland, to whom the keeping the Standards of

Weights and Measures now in use there does of special Right belong; All which Standards shall be sent down to such respective Burroughs from the Standards kept in the Exchequer at Westminster, subject nevertheless to such Regulations as the Parliament of Great Britain shall think fit)

•Re use of English weights and measures

Entire Article repealed by Weights and Measures Act 1878 (c 49) Sch 6 Part I

Article
XVIII

That the Laws concerning Regulatin of Trade, Customs and such Excises to which Scotland is by virtue of this Treaty to be lyable be the same in Scotland from and after the Union as in England and that all other Lawes in use with the Kingdom of Scotland do after the Union and notwithstanding thereof remain in the same force as before (except such as are contrary to or inconsistent with this Treaty) but alterable by the Parliament of Great Britain with this difference betwixt the Laws concerning public Right, Policy and Civil Government and those which concern private Right that the Laws which concern publick Right Policy and Civil Government may be made the same throughout the whole United Kingdom but that no alteration be made in Laws which concern private Right except for evident utility of the subjects within Scotland.

No textual amendments

Article
XIX

That the Court of Session or Colledge of Justice do after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kingdom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations for the better Administration of Justice as shall be made by the Parliament of Great Britain And that hereafter none shall be named by Her Majesty or Her Royal Successors to the Ordinary Lords of Session but such who have served in the Colledge of Justice as Advocats or Principal Clerks of Session for the space of five years or as Writers to the Signet for the space of ten years With this provision That no Writer to the Signet be capable to be admitted a Lord of the Session unless he undergo a private and publick Tryal on the Civil Law before the Faculty of Advocats and be found by them qualified for the said Office two years before he be named to be a Lord of the Session, yet so as the Qualifications made or to be made for capacitating persons to be named Ordinary Lords of Session may be altered by the Parliament of Great Britain. And that the Court of Justiciary do also after the Union and notwithstanding thereof remain in all time coming within Scotland as it is now constituted by the Laws of that Kindom and with the same Authority and Priviledges as before the Union subject nevertheless to such Regulations as shall be made by the Parliament of Great Britain and without prejudice of other Rights of Justiciary .

..(And that all Admiralty Jurisdictions be under the Lord High Admirall or Commissioner for the Admiralty of Great Britain for the time being; And that the Court of Admiralty now established in Scotland be continued, And that all Reviews, Reductions or Suspensions of the Sentences in Maritime cases competent to the Jurisdiction of that Court remain in the same manner after the Union as now in Scotland, until the Parliament of Great Britain shall make such Regulations and Alterations as shall be judged expedient for the whole United Kingdom so as there be always continued in Scotland a Court of Admiralty such as in England, for determination of all Maritime Cases relating to private Rights in Scotland competent to the Jurisdiction of the Admiralty court; subject nevertheless to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain;) And that the Heritable Rights of Admiralty and Vice-Admiralties in Scotland be reserved to the respective Proprietors as Rights of Property subject nevertheless as to the manner in Exercising such Heritable Rights to such Regulations and Alterations as shall be thought proper to be made by the Parliament of Great Britain And that all other Courts now in being within the Kingdom of Scotland do remain but subject to Alterations by the Parliament of Great Britain And that all Inferior Courts within the said Limits do remain subordinate as they are now to the Supream Courts of Justice within the same in all time coming And that no Causes in Scotland be cognoscible by the Courts of Chancery, Queens-Bench, Common-Pleas or any other Court in Westminster-hall And that the said Courts or any other of the like nature after the Unions shall have no power to Cognosce Review or Alter the Acts or Sentences of the Judicatures within Scotland or stop the Execution of the same; (And that there be a Court of Exchequer in Scotland after the Union, for deciding Questions concerning the Revenues of Customs and Excises there, having the same power and authority in such cases, as the Court of Exchequer has in England;) (And that the said Court of Exchequer in Scotland have power of passing Signatures, Gifts Turories, and in other things as the Court of Exchequer at present in Scotland hath; And that the Court of Exchequer that now is in Scotland do remain, until a New Court of Exchequer be settled by the Parliament of Great Britain in Scotland after the Union;) (And that after the Union the Queens Majesty and Her Royal Successors, may Continue a Privy Council in Scotland for the preserving of public Peace and Order, until the Parliament of Great Britain shall think fit to alter it or establish any other effectual method for that end.)

•Re admiralty jurisdictions and Admiralty Court

Words from "And that all admiralty jurisdictions" to "proper to be made by the Parliament of Great Britain" repealed by the Statute Law (Repeals) Act 1973 (c 39) Sch 1 Part XIII

But: Court of Admiralty abolished by the Court of Session Act 1830 (c 69) s 21.

Functions of Courts of Chancery, Queen's Bench and Common Pleas at Westminster now exercisable by High Court;

*Supreme Court of Judicature (Consolidation) Act 1925, s.
18(2)*

•Re Court of Exchequer in Scotland

*Words from "And that there be a Court of Exchequer" to the
end repealed by the Statute Law (Repeals) Act 1973 (c 39) Sch
1 Part XIII*

*Words from "and that the said court" to the end repealed by
Statute Law Revision Act 1948 (c 62) Sch 1*

*Words from "And that ater the Union" to the end repealed by
Statute Law Revision Act 1867(c 59) Sch*

*But: Scottish Privy Council was abolished by the Union with
Scotland (Amemdment) Act 1707.*

Article

XX

That all heritable Offices, Superiorities, heritable
Jurisdictions, Offices for life and Jurisdictions for life be
reserved to the Owners thereof as Rights of Property in
the same manner as they are now enjoyed by the Laws of
Scotland notwithstanding of this Treaty

•Re heritable jurisdictions

*Article not formally repealed but heritable jurisdictions were
abolished with effect from 1748 by 20 Geo 2 c 43 (Heritable
Jurisdictions (Scotland) Act 1746) s 1*

Article

XXI

*That the Rights and Privileges of the Royall Burroughs
in Scotland as they are now are Do Remain entire after
the Union and notwithstanding thereof*

•Re royal burghs

*Article not formally repealed but royal burghs lost their
functions in 1975—Local Government (Scotland) Act 1973 (c
65) s 1*

Article

XXII

(That by virtue of this Treaty, Of the Peers of Scotland at
the time of the Union Sixteen shall be the number to sit
and vote in the House of Lords, and Forty five the
number of the Representatives of Scotland in the House
of Commons of the Parliament of Great Britain) (and
that when her Majesty, her Heirs or Successors, shall
declare her or their Pleasure for holding the first or any
subsequent Parliament of Great Britain, until the
Parliament of Great Britain shall make further Provision
therein, a Writ do issue under the Great Seal of the
United Kingdom, directed to the Privy Council of
Scotland, commanding them to cause sixteen Peers, who
are to sit in the House of Lords, to be summoned to
Parliament, and forty-five Members to be elected to sit in
the House of Commons of the Parliament of Great
Britain, according to the Agreement of this Treaty, in
such Manner as by an Act of this Treaty, in such Manner
as by an Act of this present Session of the Parliament of

Scotland is or shall be settled; which Act is hereby declared to be valid as if it were a Part of, and ingrossed in this Treaty. And that the Names of the Persons so summoned and elected shall be returned by the Privy Council of Scotland into the Court from whence the said Writ did issue. And that if her Majesty, on or before the first Day of May next, on which Day the Union is to take place, shall declare under the Great Seal of England, That it is expedient that the Lords of Parliament of England, and Commons of the present Parliament of England, should be the Members of the respective Houses of the first Parliament of Great Britain, for and on the Part of England, then the said Lords of Parliament of England, and Commons of the present Parliament of England, shall be the Members of the respective Houses of the first Parliament of Great Britain, for and on the Part of England: And her Majesty may by her Royal Proclamation, under the Great Seal of Great Britain, appoint the said first Parliament of Great Britain to meet at such Time and Place as her Majesty shall think fit; which Time shall not be less than fifty Days after the Date of such Proclamation; and the Time and Place of the Meeting of such Parliament being so appointed, a Writ shall be immediately issued under the Great Seal of Great Britain, directed to the Privy Council of Scotland, for the summoning the sixteen peers, and for electing forty-five Members, by whom Scotland is to be represented in the Parliament of Great Britain. And the Lords of Parliament of England, and the sixteen peers of Scotland, such sixteen Peers being summoned and returned in the Manner agreed in this Treaty, and the Members of the House of Commons of the said Parliament of England, and the forty-five Members for Scotland, such forty-five Members being elected and returned in the Manner agreed in this Treaty, shall assemble and meet, respectively, in the respective Houses of the Parliament of Great Britain, at such Time and Place as shall be so appointed by her Majesty, and shall be the two Houses of the first Parliament of Great Britain; and that Parliament may continue for such Time only, as the present Parliament of England might have continued if the Union of the two Kingdoms had not been made, unless sooner dissolved by her Majesty.) And that every one of Lords of Parliament of Great Britain, and every Member of the House of Commons of the Parliament of Great Britain, in the first and all succeeding Parliaments of Great Britain, until the Parliament of Great Britain shall otherwise direct, shall take the respective Oaths appointed to be taken in Stead of the Oaths of Allegiance and Supremacy, by an Act of Parliament made in England in the first Year of the Reign of the late King William and Queen Mary, intituled, An Act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other oaths, and make, subscribe, and audibly repeat the Declaration mentioned in the Act of Parliament made in England in the thirtieth Year of the Reign of King Charles the Second, intituled, An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament; and shall take and subscribe the Oath mentioned in an Act of Parliament made in England in

the first Year of Her Majesty's Reign, intituled, An Act to declare the Alterations in the Oath appointed to be taken by the Act, intituled, An Act for the further Security of his Majesty's Person, and the Succession of the Crown in the Protestant Line, and for extinguishing the Hopes of the pretended Prince of Wales, and all other Pretenders, and their open and secret Abettors, and for declaring the Association to be determined; at such Time, and in such Manner as the Members of both Houses of Parliament of England are by the said respective Acts directed to take, make, and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained. And it is declared and agreed, that these Words, 'This Realm, The Crown of the Realm and The Queen of this Realm' mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and the Realm of England, shall be understood of the Crown and Realm of Great Britain; and that in the Sense the said Oaths and Declaration be taken and subscribed by the Members of both Houses of Parliament of Great Britain.

•Re Scottish representation in House of Commons and House of Lords

Repealed in so far as it relates to the peers of Scotland by the Peerage Act 1963 (c 48) Sch 2

Words from "and that when" to "dissolved by Her Majesty" repealed by the Statute Law Revision Act 1867 (c 59) Sch

s 4, so far as it ratifies the words from "and that when" to the end, repealed by the Promissory Oaths Act 1871 (c 48) Sch 1 Pt II

Entire Article repealed by Statute Law (Repeals) Act 1993 (c 50), Sch 1 Part XI

In so far as it relates to number of Scottish MPs, modified (but not expressly amended) by

•Representation of the People (Scotland) Act 1832 (c 65)

•Representation of the People (Scotland) Act 1867 (c 48)

•Redistribution of Seats Act 1885 (c 23)

•Representation of the People Act 1918 (c 64)

•Representation of the People Act 1948 (c 65)

•Parliamentary Constituencies (Scotland) Order SI 1983/422

Article
XXIII

(That the foresaid Sixteen Peers of Scotland, mentioned in the last preceding Article, to sit in the House of Lords of the Parliament of Great Britain, shall have all Privileges of Parliament which the Peers of England now have, and which they or any Peers of Great Britain shall have after the Union, (and particularly the Right of sitting upon the tryals of Peers: And in case of the tryal of any Peer in time of Adjournment or Prorogation of

Parliament, the said Sixteen Peers shall be summoned in the same manner, and have the same powers and privileges at such tryal, as any other Peers of Great Britain;) And that in case any tryals of Peers shall hereafter happen when there is no Parliament in being, the Sixteen Peers of Scotland who sate in the last preceding Parliament, shall be summoned in the same manner and have the same powers and privileges (at such tryals as any other Peers of Great Britain;) and) that all Peers of Scotland and their successors to their Honours and Dignities shall from and after the Union be Peers of Great Britain and have Rank and Precedency next and immediately after the Peers of the like orders and degrees in England at the time of the Union and before all Peers of Great Britain of the like orders and degrees who may be created after the Union (and shall be tryed as Peers of Great Britain,) and shall Enjoy all Privileges of Peers as fully as the Peers of England do now or as they or any other Peers of Great Britain may hereafter Enjoy the same (except the Right and Privilege of sitting in the House of Lords and the Privileges depending thereon,) (and particularly the Right of sitting upon the tryals of Peers)

•Re privileges and rights of Peers

Words from "and particularly the right of sitting upon the trial of peers" to "at such trials as any other peers of Great Britain" and the words "and shall be tried as peers of Great Britain" and the words "and particularly the right of sitting upon the trials of peers" repealed by Criminal Justice Act 1948 (c 58) Sch 10 Part III

Repealed by Peerage Act 1963 (c 45), Sch 2 except for the words from "that all peers of Scotland" to "enjoy the same"

*Article
XXIV*

That from and after the Union there be One Great Seal for the United Kingdom of Great Britain which shall be different from the Great Seal now used in either Kingdom And that the Quartering the Arms and the Rank and Precedency of the Lyon King of Arms of the Kingdom of Scotland as may best suit the Union be left to Her Majesty And that in the mean time the Great Seal of England be used as the Great Seal of the United Kingdom and that the Great Seal of the United Kingdom be used for Sealing Writs to Elect and Summon the Parliament of Great Britain and for sealing all Treaties with Forreign Princes and States and all publick Acts Instruments and Orders of State which Concern the whole United Kingdom and in all other matters relating to England as the Great Seal of England is now used and that a Seal in Scotland after the Union be always kept and made use of in all things relating to private Rights or Grants which have usually passed the Great Seal of Scotland and which only concern Offices, Grants, Commissions and private Rights within that Kingdom And that until such Seal shall be appointed by Her Majesty the present Great Seal of Scotland shall be used for such purposes and that the Privy Seal, Signet, Casset, Signet of the Justiciary Court, Quarter Seal and Seals of Courts now used in Scotland be Continued but that the

said Seals be altered and adapted to the state of the Union as Her Majesty shall think fit And the said Seals and all of them and the Keepers of them shall be subject to such Regulations as the Parliament of Great Britain shall hereafter make And that the Crown, Scepter and Sword of State, the Records of Parliament and all other Records Rolls and Registers whatsoever both publick and private generall and particular and Warrands thereof Continue to be kepted as they are within that part of the United Kingdom now called Scotland and that they shall so remain in all time coming notwithstanding of the Union
No textual amendments

Article
XXV

That all Laws and Statutes in either Kingdom so far as they are contrary to or inconsistent with the Terms of these Articles or any of them shall from and after the Union cease and become void and shall be so declared to be by the respective Parliaments of the said Kingdoms

As by the said Articles of Union ratified and approved by the said Act of Parliament of Scotland relation thereunto being had may appear
No textual amendments

s 2

II. And the Tenor of the aforesaid Act for securing the Protestant Religion and Presbyterian Church Government within the Kingdom of Scotland is as follows.

Our Sovereign Lady and the Estates of Parliament considering that by the late Act of Parliament for a Treaty with England for an Union of both Kingdoms it is provided that the Commissioners for that Treaty should not treat of or concerning any Alteration of the Worship Discipline and Government of the Church of this Kingdom as now by Law established which Treaty being now reported to the Parliament and it being reasonable and necessary that the true Protestant Religion as presently professed within this Kingdom with the Worship Discipline and Government of this Church should be effectually and unalterably secured Therefore Her Majesty with Advice and Consent of the said Estates of Parliament doth hereby establish and confirm the said true Protestant Religion and the Worship Discipline and Government of this Church to continue without any Alteration to the People of this Land in all succeeding Generations And more especially Her Majesty with Advice and Consent aforesaid ratifies approves and for ever confirms the Fifth Act of the first Parliament of King William and Queen Mary intituled Act ratifying the Confession of Faith and settling Presbyterian Church Government with all other Acts of Parliament relating thereto in Prosecution of the Declaration of the Estates of this Kingdom, containing the Claim of Right bearing date the Eleventh of April One thousand six hundred and eighty nine And Her Majesty with Advice and Consent aforesaid expressly provides and declares that the foresaid true Protestant Religion contained in the above

mentioned Confession of Faith with the Form and Purity of Worship presently in use within this Church and its Presbyterian Church Government and Discipline (that is to say) the Government of the Church by Kirk Sessions Presbyteries Provincial Synods and General Assemblies all established by the foresaid Acts of Parliament pursuant to the Claim of Right shall remain and continue unalterable And that the said Presbyterian Government shall be the only Government of the Church within the Kingdom of Scotland And further for the Greater Security of the foresaid Protestant Religion and of the Worship Discipline and Government of this Church as above established Her Majesty with Advice and Consent foresaid statutes and ordains that the Universities and Colleges of Saint Andrew' s Glasgow Aberdeen and Edinburgh as now established by Law shall continue within this Kingdom for ever; *(and that in all time coming no Professors, Principals, Regents, Masters or others, bearing Office in any University College, or School within this Kingdom, be capable to be admitted, or allowed to continue in the Exercise of their said Functions, but such as shall own and acknowledge the Civil Government, in the Manner prescribed or to be prescribed by Acts of Parliament; as also, that before or at their Admissions, they do and shall acknowledge and profess, and shall subscribe to the foresaid Confession of Faith, as the Confession of their Faith and that they will practice and conform themselves to the Worship presently in Use in this Church, and submit themselves to the Government and Discipline thereof, and never endeavour directly or indirectly the Prejudice or Subversion of the same, and that before the respective Presbyteries of their Bounds, by whatsoever Gift, Presentation or Provision they may be thereto provided.)*

•Re preserving Church of Scotland

Some modifications made:

- Toleration for Episcopalians granted by the Scottish Episcopalians Act 1711 (c 7)*
- Government and organisation of the Church of Scotland reorganised by the Church of Scotland Act 1921 (c 29)*
- Power granted to the General Assembly of the Church of Scotland to amend the Confession of Faith required from ministers by the Churches (Scotland) Act 1905 (c 12) s 5*
- Lay patronage restored by the Church Patronage (Scotland) Act 1711 (c 12)*

•University professors to be Protestant

Words from "and that in all time coming no professors" to "may be thereto provided" repealed by Statute Law Revision Act 1948 (c 62), Sch 1

But: Article was modified before express repeal:

- The declaration of faith required from university professors was modified by the Universities (Scotland) Act 1853 (c 89) s*

•School masters of burgh schools relieved of the obligation to make a declaration of faith by the Parochial and Burgh Schools (Scotland) Act 1861 (c 107) s 22.

•University professors relieved of obligation to make a declaration of faith by the Universities (Scotland) Act 1932 (c 26) s 5

And further Her Majesty with Advice aforesaid expressly declares and statutes that none of the Subjects of this Kingdom shall be liable to but all and every one of them for ever free of any Oath Test or Subscription within this Kingdom contrary to or inconsistent with the foresaid true Protestant Religion and Presbyterian Church Government Worship and Discipline as above established and that the same within the Bounds of this Church and Kingdom shall never be imposed upon or required of them in any sort And lastly that after the decease of Her present Majesty (whom God long preserve) the Sovereign succeeding to Her in the Royal Government of the Kingdom of Great Britain shall in all time coming at His or Her Accession to the Crown swear and subscribe that they shall inviolably maintain and preserve the foresaid Settlement of the true Protestant Religion with the Government Worship Discipline right and Privileges of this Church as above established by the Laws of this Kingdom in Prosecution of the Claim of Right And it is hereby statute and ordained that this Act of Parliament with the Establishment therein contained shall be held and observed in all time coming as a Fundamental and Essential Condition of any Treaty or Union to be concluded betwixt the two Kingdoms without any Alteration thereof or Derogation thereto in any sort for ever As also that this Act of Parliament and Settlement therein contained shall be insert and repeated in any Act of Parliament that shall pass for agreeing and concluding the foresaid Treaty or Union betwixt the two Kingdoms and that the same shall be therein expressly declared to be a Fundamental and Essential Condition of the said Treaty or Union in all time coming which Articles of Union and Act immediately above written Her Majesty with Advice and Consent aforesaid statutes enacts and ordains to be and continue in all time coming the Sure and perpetual Foundation of a compleat and entire Union of the two Kingdoms of Scotland and England under the express Conditions and provision that this approbation and ratification of the foresaid Articles and Act shall be no ways binding on this Kingdom until the said Articles and Act be ratified approved and confirmed by Her Majesty with and by the Authority of the Parliament of England as they are now agreed to approved and confirmed by Her Majesty with and by the Authority of the Parliament of Scotland declaring nevertheless that the Parliament of England may provide for the Security of the Church of England as they think expedient to take place within the Bounds of the said Kingdom of England and not derogating from the Security above provided for establishing of the Church of Scotland within the Bounds of this Kingdom As also the said Parliament of England may extend the Additions

and other Provisions contained in the Articles of Union as above insert in favours of the Subjects of Scotland to and in favours of the Subjects of England which shall not suspend or derogate from the force and effect of this present Ratification but shall be understood as herein included without the necessity of any new ratification in the Parliament of Scotland And lastly Her Majesty enacts and declares that all Laws and Statutes in this Kingdom so far they are contrary to or inconsistent with the Terms of these Articles as above mentioned shall from and after the Union cease and become void.

s 3

III. And Whereas an Act hath passed in this present Session of Parliament intituled an Act for securing the Church of England as by Law established the Tenor whereof follows

Whereas by an Act made in the Session of Parliament held in the third and fourth year of Her Majesties reign whereby Her Majesty was empowered to appoint Commissioners under the Great Seal of England to treat with Commissioners to be authorized by the Parliament of Scotland concerning an Union of the Kingdoms of England and Scotland It is Provided and enacted that the Commissioners to be named in pursuance of the said Act should not treat of or concerning any Alteration of the Liturgy Rites Ceremonies, Discipline or Government of the Church as by Law established within this Realm And whereas certain Commissioners appointed by Her Majesty in pursuance of the said Act and also other Commissioners nominated by Her Majesty by the Authority of the Parliament of Scotland have met and agreed upon a Treaty of Union of the said Kingdoms which Treaty is now under the Consideration of this present Parliament And whereas the said Treaty (with some Alterations therein made) is ratified and approved by Act of Parliament in Scotland and the said Act of Ratification is by Her Majesties Royal Command laid before the Parliament of this Kingdom And whereas it is reasonable and necessary that the true Protestant Religion Professed and established by Law in the Church of England and the Doctrine Worship Discipline and Government thereof should be effectually and unalterably secured Be it enacted by the Queens most Excellent Majesty by and with the Advice and Consent of the Lords Spiritual and Temporal and the Commons in this present Parliament assembled and by Authority of the same That an (.....) Act made in the thirteenth year of the reign of the late King Charles the Second intituled an Act for the Uniformity of the publick Prayers and Administration of Sacraments and other rites and ceremonies and for establishing the form of making ordaining and consecrating Bishops Priests and Deacons in the Church of England (other than such Clauses in the said Acts or either of them as have been repealed or altered by any subsequent Act or Acts of Parliament) and all and singular other Acts of Parliament now in force for the Establishment and Preservation of the Church of England and the Doctrine Worship Discipline and Government thereof shall remain and be in full force for ever.

And be it further enacted by the Authority aforesaid That after the Demise of Her Majesty (whom God long preserve) the Sovereign next succeeding to Her Majesty in the Royal Government of the Kingdom of Great Britain and so for ever hereafter every King or Queen succeeding and coming to the Royal Government of the Kingdom of Great Britain at His or Her Coronation shall in the presence of all persons who shall be attending assisting or otherwise then and there present take and subscribe an Oath to maintain and preserve inviolably the said Settlement of the Church of England and the Doctrine Worship Discipline and Government thereof as by Law established within the Kingdoms of England and Ireland the Dominion of Wales and Town of Berwick upon Tweed and the Territories thereunto belonging. And be it further enacted by the Authority aforesaid That this Act and all and every the matters and things therein contained be and shall for ever be holden and adjudged to be a Fundamental and Essential part of any Treaty of Union to be concluded between the said two Kingdoms and also that this Act shall be inserted in express Terms in any Act of Parliament which shall be made for settling and ratifying any such Treaty of Union and shall be therein declared to be an Essential and Fundamental part thereof.

•Re preserving Church of England

Words repealed by Statute Law (Repeals) Act 1973 (c 39) Sch Part III

s 4

IV. May It therefore please Your most Excellent Majesty that it may be enacted and 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 Authority of the same That all and every the said Articles of Union as ratified and approved by the said Act of Parliament of Scotland as aforesaid and herein before particularly mentioned and inserted and also the said Act of Parliament of Scotland for establishing the Protestant Religion and Presbyterian Church Government within that Kingdom intituled Act for Securing the Protestant Religion and Presbyterian Church Government and every Clause matter and thing in the said Articles and Act contained shall be and the said Articles and Act are hereby for ever ratified approved and confirmed.

•Re ratification

Repealed in so far as ratifies the Articles repealed by the same Act by Statute Law Revision Act 1867 (c 59) Sch

Repealed in so far as it ratifies part of ArtXXII by Promissory Oaths Act 1871 (c 48) Sch 1 Part II

Repealed in so far as it ratifies part of Art.XXIII by Criminal Justice Act 1948 (c 58) Sch 10 Part III

s 5

V. And it is hereby further enacted by the Authority aforesaid That the said Act passed in this present Session

of Parliament intituled An Act for securing the Church of England as by Law established and all and every the matters and things therein contained And also the said Act of Parliament of Scotland intituled Act for securing the Protestant Religion and Presbyterian Church Government with the Establishment in the said Act contained be and shall for ever be held and adjudged to be and observed as Fundamental and Essential Conditions of the said Union And shall in all times coming be taken to be and are hereby declared to be essential and fundamental parts of the said Articles and Union And the said Articles of Union so as aforesaid ratified approved and confirmed by Act of Parliament of Scotland and by this present Act And the said Act passed in this present Session of Parliament intituled an Act for securing the Church of England as by Law established And also the said Act passed in the Parliament of Scotland intituled Act for securing the Protestant Religion and Presbyterian Church Government are hereby enacted and ordained to be and continue in all times coming the complete and intire Union of the two Kingdoms of England and Scotland.

•Re preservation of Church of Scotland and Church of England to be fundamental condition of the Union

No textual amendments

s 6

VI. And whereas since the passing the said Act in the Parliament of Scotland for ratifying the said Articles of Union one other Act intituled Act settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain hath likewise passed in the said Parliament of Scotland at Edinburgh the Fifth day of February One thousand seven hundred and seven the Tenor whereof follows.

•Re selection of Peers and MPs

Our Sovereign Lady considering that by the Twenty Second Article of the Treaty of Union as the same is ratified by an Act passed in this Session of Parliament upon the Sixteenth of January last It is provided That by virtue of the said Treaty of the Peers of Scotland at the time of the Union Sixteen shall be the number to sit and vote in the House of Lords and Forty Five the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain and that the said Sixteen Peers and Forty Five Members in the House of Commons be named and chosen in such manner as by a subsequent Act in this present Session of Parliament in Scotland should be settled which Act is thereby declared to be as valid as if it were a part of and ingrossed in the said Treaty Therefore Her Majesty with Advice and Consent of the Estates of Parliament statutes enacts and ordains that the said Sixteen Peers who shall have right to sit in the House of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty shall be named by the said Peers of Scotland whom they represent the Heirs or Successors to their Dignities and Honours out of their own number and that by open Election and Plurality of Voices of the Peers present and

of the Proxies for such as shall be absent the said Proxies being Peers and producing a Mandate in Writing duly signed before Witnesses and both the Constituent and Proxy being qualified according to Law declaring also that such Peers as are absent being qualified as aforesaid may send to all such meetings Lists of the Peers whom they judge fittest validly signed by the said absent Peers which shall be reckoned in the same manner as if the parties had been present and given in the said List And in the case of Death or legal incapacity of any of the said Sixteen Peers that the aforesaid Peers of Scotland shall nominate another of their own Number in place of the said Peer or Peers in manner before and after mentioned (. . .) It is always hereby expressly provided and declared that none shall be capable to elect or be elected for any of the said Estates but such as are twenty one years of Age complete (. . .)

s 7

VII. As by the said Act passed in Scotland for settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain may appear

Be it therefore further enacted and declared by the Authority aforesaid That the said last mentioned Act Passed in Scotland for settling the manner of electing the Sixteen Peers and Forty Five Members to represent Scotland in the Parliament of Great Britain as aforesaid shall be and the same is hereby declared to be as valid as if the same had been part of and engrossed in the said Articles of Union ratified and approved by the said Act of Parliament of Scotland and by this Act as aforesaid.
Words repealed Statute Law Revision Act 1948 (c 62) Sch 1

No textual amendments