Factsheet G21
General Series

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House of Commons Information Office

The Outlawries Bill

Contents

At the beginning of every new session of Parliament, the House of Commons is summoned to the Lords to hear the Speech from the Throne outlining government policy for the new session. When the Commons return to their own Chamber, they do not turn immediately to consideration of the Speech. Instead the Outlawries Bill is read a first time - a Bill which no Member presents, which has never been printed, and which is not intended to make any further progress. This **Factsheet** explains the significance and history of this Bill.

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The History of the Outlawries Bill

This apparently empty formality has an unbroken history of over four centuries and is of immense constitutional significance; the equivalent to the *Outlawries Bill* in the House of Lords is the *Select Vestries Bill*. The importance of this action is that it preserves and proclaims the right of the Commons to deliberate upon a subject of their own choosing, without necessarily turning first to the matters which may be mentioned in the royal summons. Sir Thomas Lee summed up the whole argument in 1676 - he "cares not how soon the King's Speech is taken into consideration but would not lose the method and order of Parliament. You always begin with reading a Bill. The King's Speech is usually about Supply and that ought to be the last thing considered here".

The first occasion on which we have evidence of the House taking the first reading of a bill - not then the Outlawries Bill - before any other business is in 1558. In 1604, the practice was codified by a resolution: 'That the first day of sitting in every Parliament, some one bill and no more receiveth a first reading for form sake'. As the seventeenth century progressed, it became more common to use for this purpose a bill which had been before the House the previous session. On 40 occasions between 1558 and 1726 but with considerable regularity only from 1661, the bill read a first time before consideration of the Speech had been before the House in a previous session. The same bill was used in successive sessions on an increasing number of occasions. This happened 21 times between 1660 and 1726.

Because these bills were real proposals, many made progress. In 1727, for the first time a bill with the present title '*Outlawries Bill*' was introduced (bills about outlawry had been used for this purpose in 1678 and 1679, and in 1713 and 1714) and the idea that it should make progress as a real bill was abandoned, except in 1747 when the Outlawries Bill was read the second time and a day repeatedly fixed for committee, though the committee never actually met. Apart from interruptions in 1741 and 1742, a break for which there is no obvious reason, the *Outlawries Bill* has been used ever since.

Challenging the Procedure

Its career has not been without incident. In 1763, as soon as Members had taken the oath, John Wilkes rose to complain of his imprisonment, as a matter of privilege, and the Chancellor of the Exchequer rose with a message from the King on the same subject. The Speaker pointed out that the more usual practice was to begin with the Outlawries Bill. After a prolonged wrangle, from which the Bill emerged with the addition of the words "a Bill prepared by the Clerk for opening the session", the House accepted the Speaker's advice. In 1794, the playwright-politician, Sheridan, used the Outlawries Bill to raise the continued suspension of the Habeas Corpus Act. He considered the right to debate a subject of the House's choosing before the Speech from the Throne "not a useless, barren trifle, but a right to be insisted upon whenever an occasion should occur for any practical good purpose".

The entire argument for the proceedings on the *Outlawries Bill* was summed up in the 1676 debate already quoted. "Though forms seem but little things", said Sir Thomas Meres, "yet they are of great consequence".

In 2002/03 session, the Procedure Committee considered the use of the Outlawries Bill. The

Committee's third report[1] stated that the Outlawries Bill

> "…embodies a principle mentioned in a minute of 1609, that when Parliament has been opened, the House should assert its freedom to consider matters of its choosing, before turning to the reason for its summons as expressed in the Queen's Speech. This practice takes only a few seconds **and we recommend that it should continue**."

The government agreed to this recommendation in its response to the committee's report.[2]

The text below is apparently a Victorian transcript. We are not able to confirm whether the date, penalties and other missing details were ever included in the text.

OUTLAWRIES

A Bill for the more effectual preventing clandestine Outlawries.

For the more effectual preventing Clandestine Outlawries in Personal Actions, 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.

That if after the […] any attorney Solicitor or other person who shall prosecute any person or persons to Outlawry in any action personal wherein no Writ or Exegerit shall be awarded shall make default to send or deliver the Writ of Proclamation to the Sheriff of the proper County where the Defendant shall be dwelling at the time of awarding the Exegerit (the place of such dwelling being known), every such Attorney Solicitor or other person aforesaid making such default being lawfully convicted shall for every such offence forfeit […]; and if the Sheriff (the Writ of Proclamation being duly delivered to him) shall refuse or neglect before the Return of the Writ to make […] Proclamations according to the directions of the Act made in the thirty-first year of the reign of Queen Elizabeth for the avoiding of privy and secret Outlawries in actions personal, every such Sheriff being lawfully convicted shall for every such refusal or neglect forfeit

[1] Procedure Select Committee, Sessional Orders and Resolutions, 19 November 2003, HC 855 2002-03
[2] Procedure Committee, Government response to Sessional Orders and Resolutions, 20 May 2004, HC 613 2003-04

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