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Acts before 1963 are named by the year/s of the monarch's reign for the session of Parliament in which they were passed, plus the number of the Act. The 1959 Mental Health Act is 7 + 8 Eliz, 2 c.72 because it was the 72nd Act in the session of parliament in the seventh and eighth year of the reign of Queen Elizabeth 2nd. Charles 2nd is counted as reigning from 1649: when his father's head was cut off.

Keely, T.S. 1944: "The history of lunacy administration can be traced back with reasonable certainty to 1339, the assumed date of the Statute de Prerogativa Regis, which limited the King's jurisdiction (already existing) over the estates of idiots or natural fools, whose profits he was to take, but for whom he was to find necessaries. For anyone 'that beforetime hath had his wit and memory' and should 'happen to fail of his wit' ... the King was to keep his estate safe and maintain him and his household competently out of his profits, but the King was to take nothing for his own use"

Statute of Labourers cc. 1-8. See Wikipedia ""In 1349, while the plague was still raging, Edward 3rd issued an Ordinance of Labourers prohibiting the payment or receipt of wages higher than those which were prevalent before the Black Death and ordering labourers to accept work if it was offered at the old rate of wages" George Southgate, 1962, English Economic History p.42

For high treason, "the penalty was death by hanging, drawing and quartering (for a man) or drawing and burning (for a woman), and the traitor's property would escheat to the Crown; in the case of a petty treason the penalty was drawing and hanging without quartering, or burning without drawing; and property escheated only to the traitor's immediate lord." (Wikipedia) See Gruesome displays.

Declaration what Offences shall be adjudged Treason. Compassing the Death of the King, Queen, or their eldest Son; violating the Queen, or the King's eldest Daughter unmarried, or his eldest Son's Wife; levying War; adhering to the King's Enemies; killing the Chancellor, Treasurer, or Judges in Execution of their Duty.

Whereas divers Opinions have been before this Time in what Case Treason shall be said, and in what not; the King, at the Request of the Lords and of the Commons, hath made a Declaration in the Manner as hereafter followeth, that is to say; When a Man doth compass or imagine the Death of our Lord the King, or of our Lady his Queen or of their eldest Son and Heir; or if a Man do violate the King's Companion, or the King's eldest Daughter unmarried, or the Wife of the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be

probably [or proveably] attained of open Deed by the People of their Condition: ... [words repealed] ... and if a Man slea [slay?] the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices in Eyre, or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices: And it is to be understood, that in the Cases above rehearsed, that ought to be judged Treason which extends to our Lord the King, and his Royal Majesty: ... [words repealed]

This is Michael Warren's description of it "concerning Labourers, Servants and Beggars strengthened the powers of the justices of the peace; distinguished between "sturdy beggars" capable of work and "impotent beggars" incapacitated by age or infirmity; forbade servants to move out of their "hundred" without legal authority; and made each "hundred" responsible for housing and keeping its own paupers, but made no special provision for maintaining the sick poor"

Blackstone wrote in about 1765 (Commentaries, 2. section 326): "The trial by rack is utterly unknown to the law of England, though once when the dukes of Exeter and Suffolk, and other ministers of Henry 6, had laid a design to introduce the civil (i.e. Roman) law into the kingdom as the rule of government, for a beginning thereof they erected a rack for torture, which was called in derision the Duke of Exeter's daughter, and still remains in the Tower of London. Where in Queen Elizabeth's reign it was used as an engine of state, not of law, more than once . But when in the reign of Charles I, upon the assassination of George Villiers, 1st Duke of Buckingham, by John Felton, it was proposed in the privy council to put the assassin to the rack, in order to discover his accomplices, the judges being consulted, declared unanimously that no such proceeding was allowable by the laws of England."

"Vagabonds, idle and suspected persons shall be set in the stocks for three days and three nights and have none other sustenance but bread and water and then shall be put out of Town. Every beggar suitable to work shall resort to the Hundred where he last dwelled, is best known, or was born and there remain upon the pain aforesaid".

This is the Act that remained in force until 1834, and is therefore usually referred to as the "old" or "Elizabethan" poor law. By section 17, it replaced the 1598 Poor Law Act, and other sections consolidated it with other legislation, but, according to Michael Warren, it did not introduce new features.

12 Charles 2, c.24 1661: The Royal prerogative over idiots and lunatics moved from the Court of King's Wards to the Lord Chancellor. [Until I learn otherwise, I will assume that it was at this time also that the Escheators ceased to be responsible for inquisitions into lunacy and the "a Commission under the Great Seal was directed to five persons, any three of whom could hold the Inquiry" (Keely, T.S. 1944 p.196)

"roughly speaking the result is this - any person who stands committed for any crime except for treason or felony plainly expressed in the warrant of commitment, is to have the writ. He is to be able to get it in vacation time as well as term time. The chancellor or any judge to whom he applies must grant it, or incur a penalty of £500. The gaoler must make the return within a very brief time, or incur a penalty. No person is to be sent into prison out of the kingdom; anyone who breaks this rule is to incur the penalty of a praemunire and be incapable of pardon. Prisoners who are committed for treason or felony are to have the right to a speedy trial. The heavy penalties which judges and gaolers incur if they break this act are given to the injured person, may be sued for by him as debts; this scheme makes it impossible for the king to protect or pardon them, for the king has no power to forgive a debt due to his subjects." (Maitland, F.W. 1963 p.315)

contains a section: "And whereas there are sometimes in parishes, towns and places, persons of little or no estates, who, by lunacy, or otherwise, are furiously mad, and dangerous to be permitted to go abroad, and by the laws in being, the Justices of Peace and officers have not authority to restrain and confine them; be it therefore enacted by the authority aforesaid, that it shall and may be lawful for any two or more of the Justices of the Peace of any county, town or place in England, Wales or Town of Berwick upon Tweed, where such lunatic or mad person shall be found, by

warrant under their hands and seals, directed to the constables, church-wardens, and overseers of the poor of such parish, town or place, or some of them, to cause such person to be apprehended..."

for amending the laws relating to the settlement, employment and relief of the poor Allowed parishes, singly or as unions, to set up workhouses. Peter Higginbotham describes as "the origin of the workhouse test - that the prospect of workhouse should act as a deterrent and that relief would only be available to those who were desperate enough to accept the its regime."

24 George 2, c.23 "An Act for Regulating the Commencement of the Year; and for Correcting the Calendar now in Use." Reformed the calendar of Britain and British Dominions so that a new year began on 1 January rather than 25 March (Lady Day) and would run according to the Gregorian calendar, as used in most of western Europe. external link to original text headed "British Calendar Act of 1750 - Implemented Across 1751, 1752, and 1753".

22 George 3 c.83 Thomas Gilbert's Act - 1782 For the Better Relief and Employment of the Poor Peter Higginbotham says this aimed for county organisation, with counties divided into unions of parishes, possibly corresponding to the old Hundreds, to provide workhouses for the old, the sick and infirm, and orphan children. "Able-bodied paupers were not to be admitted but found employment near their own homes, with land-owners, farmers and other employers receiving allowances to bring wages up to subsistence levels"

34 George 3, c.54 1794 Habeas Corpus Suspension Act Royal Assent 23.5.1794, suspended Habeas Corpus until February 1795. Act introduced after the arrest of leaders of the Constitutional and Corresponding Societies. It was renewed repeatedly until 1801 - with a possible hiatus in the period 1795/1797.

1+2 George 4, c.33 1821 Irish Lunatic Asylums for the Poor Act "An Act to make more effectual Provision for the Establishment of Asylums for the Lunatic Poor, and for the Custody of Insane Persons charged with Offenses in Ireland" Tuke, D.H. 1882 (p.103) says this was "the first really effective Act directing the erection of asylums for the insane poor in Ireland"

7 George 4, c.133 1825 "An Act for consolidating and amending the Laws relating to Prisons in Ireland" - section 55 provided that the Inspector General of Prisons should visit and inspect (amongst other places) every madhouse and place where lunatics or idiots are confined. (Tuke, D.H. 1882 (pages 404 and 418-419) says this was the first statute respecting private asylums in Ireland, and did not apply to public asylums. It remained in force until 1.8.1845.)

"An Act for extending the Acts passed in the forty-third and fifty- ninth years of the reign of his late majesty King George the third, for the sale of mortgages of estates of persons found lunatics by inquisition taken in England and Ireland, so as to authorise such sale and mortgage for some purposes; and for rendering Inquisitions on Commissions of Lunacy taken in England available in Ireland, and like Inquisitions taken in Ireland available in England"

"Whereas offences against property have of late increased in and near the metropolis; and the local establishments of nightly watch and nightly police have been found inadequate to the prevention and detection of crime, by reason of the frequent unfitness of the individuals employed, the insufficiency of their number, the limited sphere of their authority, and their want of connection and co-operation with each other: And whereas it is expedient to substitute a new and more efficient system of police in lieu of such establishments of nightly watch and nightly police, within the limits herein-after mentioned, and to constitute an office of police, which, acting under the immediate authority of one of his Majesty's principal secretaries of state, shall direct and control the whole of such new system of police within those limits:

This related back to the 1774 Madhouses Act which, it said, had made provision for Clerks of the Peace to collect fees for licences, but not for the appropriation of surpluses after the payment of expenses. As a result "considerable sums arising from the said balances are now in the possession of Clerks of the Peace for several counties of England and Wales"

Henry Brougham, Lord Brougham, was Lord Chancellor from 22.11.1830 to 21.11.1834. He had ambitions to reform the English legal system on Benthamite utilitarian principles. Under him, commissions enquired into the operation of the common law courts and the law of property, and he brought in legislation to carry through their recommendations.

"An Act to abolish certain sinecure offices connected with the Court of Chancery, and to make provision for the Lord High Chancellor on his retirement from office" [enacted that (amongst other offices) the Office of the Clerk of the Custodies of Lunatics and Idiots should cease and determine after 21.8.1833 - but holders of office appointed on or after 1.6.1832 should not be affected until their decease or resignation] (see below)

"An Act to diminish the inconvenience and expense of Commissions in the Nature of Writs De Lunatico inquirendo; and to provide for the better care and treatment of idiots, lunatics, and persons of unsound mind found such by inquisition" Royal Assent 24.7.1833. [This Act added to by 1842 Chancery Lunatics Act, repealed by 1853 Chancery Lunatics Act]

Section two: Lord Chancellor could appoint "Visitors": two physicians and a barrister of 5 years standing: salaries not above £500 a year (physicians); £300 a year (other visitor). Section three: Chancery Lunatics to be visited once a year by a physician visitor. Section seven: A Secretary (£300) Offices and expenses (£30)

"enacted that from and after the death, resignation, or removal of the person then holding the office of Clerk of the Custodies of Idiots and Lunatics, the duties of such office should be performed by the Secretary of Lunatics"...and fees etc should be paid into the Exchequer to become part of the consolidated fund of the United Kingdom. [quote from 1842 Chancery Lunatics Act section 10] See also 1832 Chancery Sinecures Act

The Act enabled the government to set up a "Poor Law Commission for England and Wales", with three commissioners to "carry this Act into execution". The Commissioners could "appoint... Assistant Commissioners for carrying this Act into execution, at such places and in such manner as the said Commissioners may direct" (section 7) and could also "appoint a Secretary, Assistant Secretary or Secretaries, and all such clerks, messengers, and officers as they shall deem necessary" (section 8?)

section 15: ".. the administration of relief to the poor throughout England and Wales, according to the... laws, shall be subject to the direction and control of the ... Commissioners; and ... the ... Commissioners shall ... make and issue ... rules, orders, and regulations for the management of the poor, for the government of workhouses and the education of the children therein, and for the management of parish poor children under the provisions of an [existing] Act... Provided always, that nothing in this Act ... shall be construed as enabling the ... Commissioners ... to interfere in any individual case for the purpose of ordering relief."

section 45: "nothing in this Act contained shall authorize the detention in any workhouse of any dangerous lunatic, insane person, or idiot, for any longer period than fourteen days; and every person wilfully detaining in any workhouse any such lunatic, insane person, or idiot, for more than fourteen days, shall be deemed guilty of a misdemeanour: Provided always, that nothing herein contained shall extend to any place duly licensed for the reception of lunatics and other insane persons, or to any workhouse being also a County Lunatic Asylum."

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