

Betty Boothroyd

[...] on 21 July 1993, the Speaker of The House of Commons issued a reminder to the courts.

Betty Boothroyd said: "There has of course been no amendment to The Bill of Rights . . . the House is entitled to expect that The Bill of Rights will be fully respected by all those appearing before the courts."

There is a provision in the Bill of Rights Act 1689 which states:

"That all grants and promises of fines and forfeitures of a particular person before conviction are illegal and void."

This states that a conviction is necessary before a fine or forfeit can be imposed.

As you will be aware, the Bill of Rights is a "constitutional statute" and may not be repealed impliedly.

This was stated in the case *Thoburn v City of Sunderland*, the decision commonly referred to as the "*Metric Martyrs*" Judgment. This was handed down in the Divisional Court (18 February 2002) by Lord Justice Laws and Mr Justice Crane (I will paraphrase, but have included a copy of the judgment's relevant sections 62 and 63).

62. "We should recognise a hierarchy of Acts of Parliament: as it were "ordinary" statutes and "constitutional statutes." The special status of constitutional statutes follows the special status of constitutional rights. Examples are the . . . Bill of Rights 1689 . . ."

63. "Ordinary statutes may be impliedly repealed. Constitutional statutes may not . . ."

This was upheld by Lords Bingham, Scott and Steyn in an appeal which went to the House of Lords on Monday 15 July 2002.