

Prize Courts Act 1915

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An Act to amend the Enactments relating to Prize Courts

Preamble

BE it enacted by the King'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:

- 1 Power to transfer proceedings from one prize court to another**
- (1) Where proceedings are pending in any prize court against any ship or cargo, the court may at any stage of the proceedings, on application being made by the proper officer of the Crown, and upon being satisfied that the proceedings, or the proceedings so far as they relate to the cargo or any part thereof, would be more conveniently conducted in any other prize court, make an order remitting the proceedings, or the proceedings so far

Note

Source: New Zealand Parliamentary Library, International Documents Collection

as they relate to the cargo or to any part of the cargo, to such other prize court.

- (2) Where any proceedings have been remitted to another prize court that other court shall have the same jurisdiction to deal with the matter as if the subject-matter of those proceedings had originally been seized within its jurisdiction or been brought within its jurisdiction after capture, and any order or other steps made or taken in those proceedings before the order of remission shall be deemed to have been made or taken by or in that court.

2 Power to make orders enforceable by other prize courts

A prize court may, as respects any cause or matter within its jurisdiction, and on the application of the proper officer of the Crown, declare that any order or decree made by it, whether before or after the commencement of this Act, is enforceable within the jurisdiction of another prize court, and shall, on the like application, have power to enforce any decree or order which another prize court has declared to be enforceable within the jurisdiction of such first-mentioned court.

3 Supplemental powers of prize courts

- (1) Where a prize court under this Act orders the remission of any proceedings, or declares that any order or decree is enforceable by another prize court, the first-mentioned court may order the subject-matter of the proceedings, or of the order or decree, to be removed, in such manner and subject to such conditions as the court thinks fit, into the jurisdiction of the other court, and, where any such order of removal is made, either court may direct that any expenses incurred in the removal shall be borne by the cargo or any part of the cargo or the ship or the aircraft in such manner as the court thinks proper.
- (2) For the purpose of the voyage of a ship or aircraft from the jurisdiction of one court to that of another under such an order of removal, the ship, if not a British ship or aircraft, shall be treated as if it were a British ship or aircraft registered in the United Kingdom.

- (3) The power of His Majesty in Council to make rules for regulating the procedure and practice of prize courts shall extend to making rules for carrying this Act into effect.
- (4) The powers conferred by this Act are without prejudice to any other powers which the High Court in England may possess for the like purposes independently of this Act, and to the obligation imposed on prize courts by section nine of the Naval Prize Act 1864 27 & 28 Vict, c 25.

Subsections (1) and (2) were amended, as from 1 September 1939, by section 1 Prize Act 1939 (2 & 3 Geo 6, c 65) by inserting the words “or the aircraft” and “or aircraft” respectively.

4 Salaries and remuneration of judges and officers of prize courts

- (1) The power conferred by section ten of the Naval Prize Act 1864, to grant salaries in lieu of fees to judges of prize courts shall be extended so as also to confer a power of granting a remuneration by way of a lump sum, and, as so extended, shall, notwithstanding anything in any other enactment, apply also to officers of prize courts or performing duties in connection with matters of prize:

Provided that the powers under that section or this section shall not be exercised as respects any prize court in India except on the application to the Governor General of India in Council, or as respects any prize court in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, or Newfoundland, except on the application of the Governor General or of the Governor in Council, as the case may be.

- (2) This section shall be deemed to have had effect since the commencement of the present war.

5 Short title and construction

This Act may be cited as the Prize Courts Act 1915, and shall be construed as one with the Naval Prize Act 1864; and the Naval Prize Acts, 1864 to 1914, and the Prize Courts (Egypt, Zanzibar, and Cyprus) Act 1914, and this Act may be cited together as the Naval Prize Acts, 1864 to 1915.