



Naval Prize Act 1864

1864 CHAPTER 25 27 and 28 Vict

II.—PROCEDURE IN PRIZE CAUSES

Proceedings by Captors

16 Custody of prize ship.

Every ship taken as prize, and brought into port within the jurisdiction of a prize court, shall forthwith, and without bulk broken, be delivered up to the marshal of the court.

If there is no such marshal, then the ship shall be in like manner delivered up to the principal officer of Customs at the port.

[^{F1}Every aircraft taken as prize and brought to a place within the jurisdiction of a prize court, shall forthwith, and without bulk broken, be delivered up to the marshal of the court.

If there is no such marshal, then the aircraft shall be in like manner delivered up to such person as the court may appoint.]

The ship [^{F1} or aircraft] shall remain in the custody of the marshal, or of such officer [^{F1} or person], subject to the orders of the court.

Textual Amendments

F1 Words inserted by [Prize Act 1939 \(c. 65\), Sch. Pt. I](#)

17 Bringing in of ship papers.

[^{F2}The captors shall with all practicable speed after the ship is brought into port, or the aircraft is brought to a place within the jurisdiction of a prize court, bring the ship papers, or the aircraft papers, as the case may be, into the registry of the court.]

Changes to legislation: There are currently no known outstanding effects for the Naval Prize Act 1864, Cross Heading: Proceedings by Captors. (See end of Document for details)

The officer in command, or one of the chief officers of the capturing ship, [^{F3}or capturing aircraft], or some other person who was present at the capture, and saw the ship papers [^{F3}or aircraft papers] delivered up or found on board, shall make oath that they are brought in as they were taken, without fraud, addition, subduction, or alteration, or else shall account on oath to the satisfaction of the court for the absence or altered condition of the ship papers [^{F3}or aircraft papers] or any of them.

Where no ship papers [^{F3}or aircraft papers] are delivered up or found on board the captured ship [^{F3}or captured aircraft] the officer in command, or one of the chief officers of the capturing ship, [^{F3}or capturing aircraft] or some other person who was present at the capture, shall make oath to that effect.

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Textual Amendments

- F2** Words substituted by [Prize Act 1939 \(c. 65\), Sch. Pt. I](#)
- F3** Words inserted by [Prize Act 1939 \(c. 65\), Sch. Pt. I](#)

18— ^{F4}
29.

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Textual Amendments

- F4** Ss. 18–29, 32, 33, 36 repealed by [Prize Courts \(Procedure\) Act 1914 \(c. 13\), Sch.](#)

Changes to legislation:

There are currently no known outstanding effects for the Naval Prize Act 1864, Cross Heading: Proceedings by Captors.