



# 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.

[<sup>F1</sup>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 [<sup>F1</sup>or aircraft] shall remain in the custody of the marshal, or of such officer [<sup>F1</sup>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.

[<sup>F2</sup>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, II.—Procedure in Prize Causes. (See end of Document for details)*

The officer in command, or one of the chief officers of the capturing ship, [<sup>F3</sup>or capturing aircraft], or some other person who was present at the capture, and saw the ship papers [<sup>F3</sup>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 [<sup>F3</sup>or aircraft papers] or any of them.

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

**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**— ..... <sup>F4</sup>  
**29.**

**Textual Amendments**

- F4** Ss. 18–29, 32, 33, 36 repealed by [Prize Courts \(Procedure\) Act 1914 \(c. 13\), Sch.](#)

*Small armed Ships*

**30 One adjudication as to several small ships.**

The captors may include in one adjudication any number, not exceeding six, of armed ships not exceeding one hundred tons each, taken within three months next before institution of proceedings.

**Modifications etc. (not altering text)**

- C1** [S. 30](#) excluded by [Prize Act 1939 \(c. 65\), s. 1\(3\), Sch. Pt. II](#)

*Goods*

**31 Application of foregoing provisions to prize goods.**

The foregoing provisions relating to ships [<sup>F5</sup>and aircraft] shall extend and apply, mutatis mutandis, to goods taken as prize on board ship [<sup>F5</sup>or aircraft]; and the court may direct such goods to be unladen, inventoried, and warehoused.

**Textual Amendments**

- F5** Words inserted by [Prize Act 1939 \(c. 65\), Sch. Pt. I](#)

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**Changes to legislation:** *There are currently no known outstanding effects for the Naval Prize Act 1864, II.—Procedure in Prize Causes. (See end of Document for details)*

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**32, 33.** ..... F6

**Textual Amendments**

**F6** 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, II.—Procedure in Prize Causes.