



Naval Prize Act 1864

1864 CHAPTER 25 27 and 28 Vict

VI.—MISCELLANEOUS PROVISIONS

Ransom

45^{F1}

Textual Amendments

F1 Ss. 10–12, 14, 15, 45 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

Convoy

46 **Punishment of masters of merchant vessels under convoy disobeying orders or deserting convoy.**

If the master or other person having the command of any ship of any of Her Majesty's subjects under the convoy of any of Her Majesty's ships of war wilfully disobeys any lawful signal, instruction, or command of the commander of the convoy, or without leave deserts the convoy, he shall be liable . . .^{F2} upon conviction to be fined, in the discretion of the court, any sum not exceeding five hundred pounds, and to suffer imprisonment for such time, not exceeding one year, as the court may adjudge.

Textual Amendments

F2 Words repealed by [Courts Act 1971 \(c. 23\)](#), [Sch. 11 Pt. IV](#)

Modifications etc. (not altering text)

C1 S. 46 excluded by [Prize Act 1939 \(c. 65\)](#), s. 1(3), [Sch. Pt. II](#)

Status: Point in time view as at 01/02/1991.

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Customs Duties and Regulations

47 Prize ships and goods liable to duties and forfeiture.

All ships (^{F3}aircraft] and goods taken as prize and brought into a port of the United Kingdom [^{F3}or brought to a place within the United Kingdom as the case may be] shall be liable to and be charged with the same rates and charges and [^{F4}duties chargeable on imported goods (whether of Customs or Excise)] as under any Act relating to [^{F4}Customs or Excise] may be chargeable on other ships [^{F3}aircraft] and goods of the like description; and

All goods brought in as prize which would on the voluntary importation thereof be liable to forfeiture or subject to any restriction under the laws relating to [^{F4}Customs or Excise] shall be deemed to be so liable and subject, unless the Commissioners of [^{F5}Customs and Excise] see fit to authorize the sale or delivery thereof for home use or exportation, unconditionally or subject to such conditions and regulations as they may direct.

Textual Amendments

- F3** Words inserted by [Prize Act 1939 \(c. 65\), Sch. Pt. I](#)
- F4** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\), Sch. 4 para. 12](#) Table Pt. I
- F5** Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\), Sch. 4 para. 1](#)

48 Regulations of Customs to be observed as to prize ships and goods.

Where any ship or goods taken as prize is or are brought into a port of the United Kingdom, the master or other person in charge or command of the ship which has been taken or in which the goods are brought shall, on arrival at such port, bring to at the proper place of discharge, and shall, when required by any officer of Customs, deliver an account in writing under his hand concerning such ship and goods, giving such particulars relating thereto as may be in his power, and shall truly answer all questions concerning such ship or goods asked by any such officer, and in default shall forfeit a sum not exceeding one hundred pounds, such forfeiture to be enforced as forfeitures for offences against the laws [^{F6}relating to Customs or Excise] are enforced; and every such ship shall be liable to such searches as other ships are liable to, and the officers of the Customs may freely go on board such ship and bring to the Queen's warehouse any goods on board the same, subject, nevertheless, to such regulations in respect of ships of war belonging to Her Majesty as shall from time to time be issued by the Treasury.

Textual Amendments

- F6** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\), Sch. 4 para. 12](#) Table Pt. I

Modifications etc. (not altering text)

- C2** [S. 48](#) excluded by [Prize Act 1939 \(c. 65\), s. 1\(3\), Sch. Pt. II](#)

[^{F7}48A

Where any aircraft or goods taken as prize is or are brought to any place within the jurisdiction of a prize court, the pilot or other person in charge or command of the aircraft which has been taken or in which the goods are brought shall, when required

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by an officer of Customs deliver an account in writing under his hand concerning such aircraft and goods, giving such particulars relating thereto as may be in his power, and shall truly answer all questions concerning such aircraft or goods asked by any such officer, and in default shall forfeit a sum not exceeding one hundred pounds, such forfeiture to be enforced as forfeitures for offences against the laws [^{F8}relating to Customs or Excise] are enforced; and every such aircraft shall be liable to such searches as other aircraft are liable to; and the officers of the Customs may freely go on board such aircraft and bring to the King's warehouse any goods on board the same, subject, nevertheless, to such regulations in respect of military aircraft belonging to His Majesty as shall from time to time be issued by the Treasury.]

Textual Amendments

- F7** S. 48A added by [Prize Act 1939 \(c. 65\)](#), **Sch. Pt. I**
- F8** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#), **Sch. 4 para. 12** Table Pt. I

49 Power for Treasury to remit Customs duties in certain cases.

Goods taken as prize may be sold either for home consumption or for exportation; and if in the former case the proceeds thereof, after payment of [^{F9}duties (whether of Customs or Excise) chargeable on imported goods], are insufficient to satisfy the just and reasonable claims thereon, the Treasury may remit the whole or such part of the said duties as they see fit.

Textual Amendments

- F9** Words substituted by [Customs and Excise Management Act 1979 \(c. 2\)](#), **Sch. 4 para. 12** Table Pt. I

Perjury

50 ^{F10}Punishment of persons guilty of perjury

If any person wilfully and corruptly swears, declares, or affirms falsely in any prize cause or appeal, or in any proceeding under this Act, or in respect of any matter required by this Act to be verified on oath, or suborns any other person to do so, he shall be deemed guilty of perjury, or of subornation of perjury (as the case may be), and shall be liable to be punished accordingly.

Textual Amendments

- F10** S. 50 repealed (E.W.) by [Perjury Act 1911 \(c. 6\)](#), **Sch.** and (N.I.) SI 1979/1714 (N.I. 19) Sch. 2

51 ^{F11}

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Textual Amendments

- F11** S. 51 repealed by [Public Authorities Protection Act 1893 \(c. 61\)](#), **s. 2** and [Naval Prize \(Procedure\) Act 1916 \(c. 2\)](#), **s. 1**

52 ^{F12}

Textual Amendments

- F12** S. 52 repealed by [Crown Proceedings Act 1947 \(c. 44\)](#), **Sch. 2** and [S.I. 1949/1836 \(1949 I, p. 1261\)](#), Sch. Pt. I

Orders in Council

53 Power to make Orders in Council.

Her Majesty in Council may from time to time make such Orders in Council as seem meet for the better execution of this Act.

54 Orders in Council to be gazetted, &c.

Every Order in Council under this Act . . . ^{F13} shall be laid before both Houses of Parliament . . . ^{F13}.

Textual Amendments

- F13** Words repealed by [Statute Law \(Repeals\) Act 1986 \(c. 12\)](#), s. 1(1), **Sch. 1 Pt. XII**

Savings

55 Not to affect rights of Crown; effect of treaties, &c.

Nothing in this Act shall—

- (1) give to the officers and crew of any of Her Majesty's ships of war [^{F14}or any of His Majesty's military aircraft] any right or claim in or to any ship [^{F14}aircraft] or goods taken as prize or the proceeds thereof, it being the intent of this Act that such officers and crews shall continue to take only such interest (if any) in the proceeds of prizes as may be from time to time granted to them by the Crown; or
- (2) affect the operation of any existing treaty or convention with any foreign power; or
- (3) take away or abridge the power of the Crown to enter into any treaty or convention with any foreign power containing any stipulation that may seem meet concerning any matter to which this Act relates; or
- (4) take away, abridge, or control, further or otherwise than as expressly provided by this Act, any right, power, or prerogative of Her Majesty the Queen in right of her Crown, or in right of her office of Admiralty, . . . ^{F15}

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(5) take away, abridge, or control, further or otherwise than as expressly provided by this Act, the jurisdiction or authority of a prize court to take cognizance of and judicially proceed upon any capture, seizure, prize, or reprisal of any ship [^{F14}aircraft] or goods, and to hear and determine the same, and, according to the course of Admiralty and the law of nations, to adjudge and condemn any ship [^{F14}aircraft] or goods, or any other jurisdiction or authority of or exercisable by a prize court.

Textual Amendments

F14 Words inserted by [Prize Act 1939 \(c. 65\)](#), [Sch. Pt. I](#)

F15 Words repealed by [S.I. 1964/488](#) (1964 I, p. 769), Sch. 1 Pt. I

56 ^{F16}

Textual Amendments

F16 [S. 56](#) repealed by [Statute Law Revision Act 1893 \(c. 14\)](#)

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