



Admiralty Offences (Colonial) Act 1849

1849 CHAPTER 96 12 and 13 Vict

An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty. [1st August 1849]

Modifications etc. (not altering text)

- C1 Short title given by [Short Titles Act 1896 \(c. 14\)](#)
- C2 Power to extend Act conferred by [Foreign Jurisdiction Act 1890 \(c. 37\), s. 5 Sch. 1](#)
- C3 Preamble omitted under authority of [Statute Law Revision Act 1891 \(c. 67\)](#)

[1.] All persons charged in any colony with offences committed on the sea, may be dealt with in the same manner as if the offences had been committed on waters within the local jurisdiction of the courts of the colony.

If any person within any colony shall be charged with the commission of any treason, piracy, felony, robbery, murder, conspiracy, or other offence, of what nature or kind soever, committed upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, or if any person charged with the commission of any such offence upon the sea, or in any such haven, river, creek, or place shall be brought for trial to any colony, then and in every such case all magistrates, justices of the peace, public prosecutors, juries, judges, courts, public officers, and other persons in such colony shall have and exercise the same jurisdiction and authorities for inquiring of, trying, hearing, determining, and adjudging such offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such proceedings for the bringing of such person so charged as aforesaid to trial, and for and auxiliary to and consequent upon the trial of any such person for any such offence wherewith he may be charged as aforesaid, as by the law of such colony would and ought to have been had and exercised or instituted and carried on by them respectively if such offence had been committed, and such person had been charged with having committed the same, upon any waters situate within the limits of any such colony, and within the limits of the local jurisdiction of the courts of criminal justice of such colony.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Admiralty Offences (Colonial) Act 1849. (See end of Document for details)

2 F1

Textual Amendments
F1 S. 2 repealed by Statute Law Revision Act 1891 (c. 67)

3 Provision for the trial of murder or manslaughter, where the death only happens in the colony or upon the sea.

Where any person shall die in any colony of any stroke, poisoning, or hurt, such person having been [^{F2}feloniously][^{F2}criminally] stricken, poisoned, or hurt upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, or at any place out of such colony, every offence committed in respect of any such case, whether the same shall amount to the offence of murder or of manslaughter, or of being accessory before the fact to murder, or after the fact to murder or manslaughter, may be dealt with, inquired of, tried, determined, and punished in such colony in the same manner in all respects as if such offence had been wholly committed in that colony; and that if any person in any colony shall be charged with any such offence as aforesaid in respect of the death of any person who having been [^{F2}feloniously] [criminally] stricken, poisoned, or otherwise hurt, shall have died of such stroke, poisoning, or hurt upon the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, such offence shall be held for the purpose of this Act to have been wholly committed upon the sea.

Textual Amendments
F2 Word “criminally” substituted for word “feloniously” (E.W.) by Criminal Law Act 1967 (c. 58), Sch. 2 para. 6

4 Jurisdiction of the supreme courts of New South Wales and Van Diemen’s Land preserved.

Nothing in this Act contained shall in any way affect or abridge the jurisdiction of the supreme courts of New South Wales and Van Diemen’s Land as established by the ^{M1}Australian Courts Act 1828.

Marginal Citations
M1 1828 c. 23.

5 Interpretation of terms.

For the purposes of this Act the word “colony” shall mean any island, plantation, colony, dominion, fort, or factory of her Majesty, except any island within the United Kingdom and the islands of Man, Guernsey, Jersey, Alderney, and Sark, and the islands adjacent thereto respectively^{F3}

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Textual Amendments

F3 Words repealed by [Admiralty Jurisdiction \(India\) Act 1860 \(c. 88\), s. 1](#) and [Statute Law Revision and Civil Procedure Act 1881 \(c. 59\), s. 3](#)

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Textual Amendments

F4 [S. 6](#) repealed by [Statute Law Revision Act 1878 \(c. 79\)](#)

Status:

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

Changes to legislation:

There are currently no known outstanding effects for the Admiralty Offences (Colonial) Act 1849.