



# Naval Prize Act 1864

1864 CHAPTER 25 27 and 28 Vict

## III.—SPECIAL CASES OF CAPTURE

### *Land Expeditions*

#### **34 Jurisdiction of prize court in case of capture in land expedition.**

Where, in an expedition of any of Her Majesty's Naval or Naval and Military Forces against a fortress or possession on land, goods belonging to the State of the enemy or to a public trading company of the enemy exercising powers of government are taken in the fortress or possession, or a ship is taken in waters defended by or belonging to the fortress or possession, a prize court shall have jurisdiction as to the goods or ship so taken, and any goods taken on board the ship, as in case of prize.

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

C1 S. 34 excluded by [Prize Act 1939 \(c. 65\)](#), s. 1(3), [Sch. Pt. II](#)

### *Conjunct Capture with Ally*

#### **35 Jurisdiction of prize court in case of expedition with ally.**

Where any ship or goods is or are taken by any of Her Majesty's Naval or Naval and Military Forces while acting in conjunction with any forces of any of Her Majesty's allies, a prize court shall have jurisdiction as to the same as in case of prize, and shall have power, after condemnation, to apportion the due share of the proceeds to Her Majesty's ally, the proportionate amount and the disposition of which share shall be such as may from time to time be agreed between Her Majesty and Her Majesty's ally.

*Changes to legislation: There are currently no known outstanding effects for the Naval Prize Act 1864, III.—Special Cases of Capture. (See end of Document for details)*

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

**C2** S. 35 excluded by [Prize Act 1939 \(c. 65\)](#), s. 1(3), **Sch. Pt. II**

**36** ..... <sup>F1</sup>

**Textual Amendments**

**F1** Ss. 18–29, 32, 33, 36 repealed by [Prize Courts \(Procedure\) Act 1914 \(c. 13\)](#), **Sch.**

*Offences against Law of Prize*

**37 In case of offence by captors, prize to be reserved for Crown.**

A prize court, on proof of any offence against the law of nations, or against this Act, or any Act relating to naval discipline, or against any Order in Council or royal proclamation, or of any breach of Her Majesty's instructions relating to prize, or of any act of disobedience to the orders of [<sup>F2</sup>the Defence Council], or to the command of a superior officer, committed by the captors in relation to any ship or goods taken as prize, or in relation to any person on board any such ship, may, on condemnation, reserve the prize to Her Majesty's disposal, notwithstanding any grant that may have been made by Her Majesty in favour of captors.

**Textual Amendments**

**F2** Words substituted by [S.I. 1964/488 \(1964 I, p. 769\)](#), Sch. 1 Pt. I

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

**C3** S. 37 excluded by [Prize Act 1939 \(c. 65\)](#), s. 1(3), **Sch. Pt. II**

*Pre-emption*

**38 Purchase by Admiralty for public service of stores on board foreign ships.**

Where a ship of a foreign nation passing the seas laden with naval or victualling stores intended to be carried to a port of any enemy of Her Majesty is taken and brought into a port of the United Kingdom, and the purchase for the service of Her Majesty of the stores on board the ship appears to [<sup>F3</sup>the Secretary of State] expedient without the condemnation thereof in a prize court, in that case [<sup>F3</sup>the Secretary of State] may purchase, on the account or for the service of Her Majesty, all or any of the stores on board the ship; and the [<sup>F4</sup>Commissioners of Customs and Excise] may permit the stores purchased to be entered and landed within any port.

**Textual Amendments**

**F3** Words substituted by [S.I. 1964/488 \(1964 I, p. 769\)](#), Sch. 1 Pt. I

**F4** Words substituted by virtue of [Customs and Excise Management Act 1979 \(c. 2\)](#), **Sch. 4 para. 1**

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**Changes to legislation:** There are currently no known outstanding effects for the Naval Prize Act 1864, III.—Special Cases of Capture. (See end of Document for details)

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

C4 S. 38 excluded by [Prize Act 1939 \(c. 65\), s. 1\(3\)](#), **Sch. Pt. II**

*Capture by Ship other than a Ship of War*

**39 Prizes taken by ships other than ships of war to be droits of Admiralty.**

Any ship or goods taken as prize by any of the officers and crew of a ship other than a ship of war of Her Majesty shall, on condemnation, belong to Her Majesty in her office of Admiralty.

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

C5 S. 39 excluded by [Prize Act 1939 \(c. 65\), s. 1\(3\)](#), **Sch. Pt. II**

**Changes to legislation:**

There are currently no known outstanding effects for the Naval Prize Act 1864, III.—Special Cases of Capture.