



Naval Prize Act 1864

1864 CHAPTER 25 27 and 28 Vict

IV.—PRIZE SALVAGE

40 Salvage to recaptors of British ship or goods from enemy.

Where any ship [^{F1}aircraft] or goods belonging to any of Her Majesty's subjects, after being taken as prize by the enemy, is or are retaken from the enemy by any of Her Majesty's ships of war, [^{F2}or any of His Majesty's military aircraft] the same shall be restored by decree of a prize court to the owner, on his paying as prize salvage one eighth part of the value of the prize to be decreed and ascertained by the court, or such sum, not exceeding one eighth part of the estimated value of the prize, as may be agreed on between the owner and the re-captors, and approved by order of the court: Provided, that where the re-capture is made under circumstances of special difficulty or danger, the prize court may, if it thinks fit, award to the re-captors as prize salvage a larger part than one eighth part, but not exceeding in any case one fourth part, of the value of the prize.

Provided also, that where a ship [^{F2}or aircraft] after being so taken is set forth or used by any of Her Majesty's enemies as a ship [^{F2}or aircraft] of war, [^{F2}or as a military aircraft], this provision for restitution shall not apply, and the ship [^{F2}or aircraft] shall be adjudicated on as in other cases of prize.

Textual Amendments

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

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

41 Permission to re-captured ship to proceed on voyage.

Where a ship [^{F3}or aircraft] belonging to any of Her Majesty's subjects, after being taken as prize by the enemy, is retaken from the enemy by any of Her Majesty's ships of war, [^{F3}or any of His Majesty's military aircraft] she may, with the consent of the re-captors, prosecute her voyage, and it shall not be necessary for the re-captors to proceed to adjudication till her return to a port of the United Kingdom.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Naval Prize Act 1864, IV.—Prize Salvage. (See end of Document for details)

[^{F4}The master or owner of the ship or his agent, or the pilot or owner of the aircraft or his agent, may, with the consent of the re-captors, unload and dispose of the goods on board the ship or aircraft, as the case may be, before adjudication.]

In case the ship does not, within six months, return to a port of the United Kingdom, [^{F3}or the aircraft does not within six months return to a place within the United Kingdom], the re-captors may nevertheless institute proceedings against the ship [^{F3}aircraft] or goods in the High Court of Admiralty, and the Court may thereupon award prize salvage as aforesaid to the re-captors, and may enforce payment thereof . . .
^{F5}

Textual Amendments

- F3** Words substituted by [S.I. 1964/488](#) (1964 I, p. 769), Sch. 1 Pt. I
- F4** Words substituted by [Prize Act 1939 \(c. 65\)](#), **Sch. Pt. I**
- F5** Words repealed by [Prize Courts \(Procedure\) Act 1914 \(c. 13\)](#), **Sch.**

42— ^{F6}
44.

Textual Amendments

- F6** [Ss. 42–44](#) repealed by [Prize Act 1948 \(c. 9\)](#), **s. 9(2)**

Status:

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

Changes to legislation:

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