

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Prize Act 1939, SCHEDULE. (See end of Document for details)*

## SCHEDULE

Section 1.

<sup>X1</sup>PART I

## AMENDMENTS OF PRIZE ACTS IN RELATION TO AIRCRAFT.

**Editorial Information**

- X1** The text of s. 1(2) and Sch. 1 Pt. I is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Acts amended.**

The Naval Prize Act, 1864 (27&28 Vict. c. 25).

**Amendments.**

In section two, for the words “and others on board any of Her Majesty’s ships of war” there shall be substituted the words “airmen and others on board any of His Majesty’s ships of war or any of His Majesty’s military aircraft”; for the words “(other than ships)” there shall be substituted the words “but does not include ships, and does not include aircraft which are not part of the cargo of a ship”; and at the end of that section there shall be inserted the following paragraph:—  
The term “aircraft papers” includes “all books, passes, charter parties, bills of lading, manifests, certificates, licences, lists, tickets, notes, letters, and other documents and writings delivered up or found on board a captured aircraft.”  
The term “any of His Majesty’s military aircraft” includes any aircraft belonging to His Majesty’s or air forces, and any hired armed aircraft in His Majesty’s service.

In section sixteen, after the second paragraph thereof there shall be inserted the following paragraph:—  
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 marshal, then the aircraft shall be in like manner delivered to such person as the court may appoint;  
and in the third paragraph thereof after the words “The ship” there shall be inserted the words “or aircraft”, and after the word “officer” there shall be inserted the words “or person”

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In section seventeen, for the first paragraph thereof there shall be substituted the following paragraph:—

“The captors shall with all practicable speed after the ship is brought into port, or 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”; in the second paragraph thereof, after the words “capturing ship” there shall be inserted the words “or capturing aircraft”, and after the words “ship papers” in each place where those words occur, there shall be inserted the words “or aircraft papers”; and in the third paragraph thereof, after the words “ship papers” there shall be inserted the words “or aircraft papers”, after the words “captured ship” there shall be inserted the words “or captured aircraft” and after the words “or capturing aircraft”.

In section thirty-one, after the words “ships” there shall be inserted the words “and aircraft”; and after the word “ship” there shall be inserted the words “or aircraft”.

In section forty, in the first paragraph thereof, after the word “ship” there shall be inserted the word “aircraft”, and after the words “any of Her Majesty’s ships of war” there shall be inserted the words “or any of His Majesty’s aircraft”; and in the second paragraph thereof after the word “ship” in each place where the word occurs, there shall be inserted the words “or aircraft”, and after the words “as a ship of war” there shall be inserted the words “or as a military aircraft”.

In section forty-one, in the first paragraph thereof after the word “ship” there shall be inserted the words “or aircraft” and after the words “any of Her Majesty’s ship of war” there shall be inserted the words “or any of His Majesty’s military aircraft”; for the second paragraph thereof there shall be substituted the following paragraph:—

“The master or owner of the ship or his agent, or pilot or owner of the aircraft or his agent, may with the consent of the captors, unload and dispose of the goods on board of the ship or aircraft, as the case may be, before adjudication”; and in the third paragraph thereof after the words

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“United Kingdom” there shall be inserted the words “or the aircraft does not, within six months, return to a place within the United Kingdom,” and after the word “ship” in the second place where that word occurs there shall be inserted the word “aircraft”

In section forty-seven, after the word “ships” in each place where that word occurs there shall be inserted the word “aircraft” and after the words “United Kingdom” there shall be inserted the words “or brought to a place within the United Kingdom, as the case may be,”.

After section forty-eight, there shall be inserted the following section:—  
 “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 which the goods are brought shall, when required by any officer 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 relating to the Customs 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.”

In section fifty-five, in paragraph (1) thereof after the words “any of Her Majesty’s ships of war” there shall be inserted the words “or any of His Majesty’s military aircraft”, and after the word “ship” there shall be inserted the word “aircraft”; and in paragraph (5) thereof after the word “ship”, in each place where that word occurs, there shall be inserted the word “aircraft”.

The Prize Courts (Procedure) Act, 1914 (4&5 Geo. 5. c.13).

In section one, after the words “ships of war”, in each place where those words occur,

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The Prize Courts Act, 1915 (5&6 Geo. 5. c. 57).

there shall be inserted the words “or military aircraft”.

In section three, in subsection (1) thereof, after the words “or the ship” there shall be inserted the words “or the aircraft”; and in subsection (2) thereof after the word “ship,” in each where that word occurs, there shall be inserted the words “or aircraft”

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## **PART II**

### **PROVISIONS OF NAVAL PRIZE ACT 1864 INAPPLICABLE IN RELATION TO AIRCRAFT OR GOODS CARRIED THEREIN TAKEN AS PRIZE**

Section thirty.

Sections thirty-four and thirty-five.

Sections thirty-seven to thirty nine.

Sections forty-two to forty-six.

Section forty-eight.

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