

**Reprint
as at 1 August 1976**



Prize Act 1939

Imperial Act 65
Date of assent 1 September 1939
Commencement 1 September 1939

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An Act to apply prize law to aircraft; to amend and explain the enactments relating to prize; and to provide for purposes connected with the matters aforesaid

Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

1 Application of prize law to aircraft

- (1) Subject to the provisions of this section, the law relating to prize shall apply in relation to aircraft and goods carried therein as it applies in relation to ships and goods carried therein, and shall so apply notwithstanding that the aircraft is on or over land.
- (2) The amendments specified in the second column of Part 1 of the Schedule (being amendments necessary for giving effect to the preceding subsection) shall be made in the Acts specified in the first column of that Part of that schedule.
- (3) The provisions of the Naval Prize Act 1864 specified in Part 2 of the Schedule shall not apply in relation to aircraft or goods carried therein taken as prize.

2 Establishment of Prize Courts outside His Majesty's dominions

- (1) The power conferred by section 2 of the Prize Courts Act 1894 to issue any commission, warrant or instructions for the purpose of commissioning or regulating the procedure of a Prize Court, and to establish a Vice-Admiralty Court under the authority of any such commission or warrant, shall be exercisable not only in relation to a place in a British possession, but also in relation to a place in any of the following countries and territories, that is to say,—
 - (a) any British Protectorate;
 - (b) any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty, and is being exercised by His Majesty's Government in the United Kingdom, in the Commonwealth of Australia or in the Dominion of New Zealand; and
 - (c) any other country or territory in which for the time being His Majesty has jurisdiction in matters of prize;and accordingly subsection (1) of the said section shall have effect as if the reference therein to a British possession included a reference to any of the countries and territories mentioned in paragraphs (a) to (c); and subsection (2) of the said section shall, in relation to any of the said countries and territories, have effect as if for the reference in that subsection to the Vice-Admiral of the possession, there were substituted a

reference to such authority as may be prescribed, in relation to that country or territory, by Order of His Majesty in Council.

- (2) The Minister of Transport may appoint a Judge, Registrar and Marshal, and other officers, of any Vice-Admiralty Court established by any commission or warrant the issue of which is authorised by section 2 of the Prize Courts Act 1894, as amended by this section, in any of the countries and territories mentioned in paragraphs (a) to (c) of the preceding subsection.
- (3) Any commission or warrant for the purpose of commissioning or regulating the procedure of a Prize Court which has been issued before the commencement of this Act and is in force at the commencement of this Act, shall have effect as if any reference therein to ships included a reference to aircraft.

Section 2(2): amended, on 1 August 1976, by section 8(2) of the Admiralty Act 1973 (1973 No 119).

3 Certain courts declared to be Prize Courts

For the removal of doubts it is hereby declared that Colonial Courts of Admiralty within the meaning of the Colonial Courts of Admiralty Act 1890 courts to which paragraph (b) of the proviso to subsection (3) of section 2 of that Act applies by virtue of an Order in Council under section 12 of that Act, and Vice-Admiralty Courts established by any commission or warrant the issue of which is authorised by section 2 of the Prize Courts Act 1894, as amended by this Act, are Prize Courts within the meaning of the Naval Prize Act 1864.

4 Extent of this Act and existing Prize Acts

- (1) This Act extends to the following countries and territories, that is to say,—
 - (a) the United Kingdom, the Channel Islands and the Isle of Man;
 - (b) the Commonwealth of Australia and the Dominion of New Zealand;
 - (c) British India and British Burma;
 - (d) Newfoundland and every colony;
 - (e) every British Protectorate; and
 - (f) every territory in respect of which a mandate on behalf of the League of Nations has been accepted by His

Majesty, and is being exercised by His Majesty's Government in the United Kingdom, in the Commonwealth of Australia or in the Dominion of New Zealand,—
and (to the extent of His Majesty's jurisdiction therein in matters of prize) to every other country or territory in which for the time being His Majesty has such jurisdiction.

- (2) The enactments relating to prize, as amended by this Act, shall extend to the countries and territories mentioned in paragraphs (e) and (f) of the preceding subsection, and (to the extent of His Majesty's jurisdiction therein in matters of prize) to every other country or territory in which for the time being His Majesty has such jurisdiction.

5 Short Title and citation

This Act may be cited as the Prize Act 1939; and the Naval Prize Acts, 1864 to 1916, and this Act may be cited together as the Prize Acts 1864 to 1939.

Schedule

s 1(2)

Part 1

**Amendments of Prize Acts in relation to
aircraft**

Amendment(s) incorporated in the Act(s).

Part 2

**Provisions of Naval Prize Act 1864
inapplicable in relation to aircraft or goods
carried therein taken as prize**

Section 30

Sections 34 and 35

Sections 37 to 39

Sections 42 to 46

Section 48

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Notes**1 *General***

This is a reprint of the Prize Act 1939. The reprint incorporates all the amendments to the Act as at 1 August 1976, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked are omitted.

For a detailed list of the editorial conventions, *see* <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Admiralty Act 1973 (1973 No 119): section 8(2)
