

ORDER XXVII.

ENFORCEMENT AND EXECUTION OF DECREES AND ORDERS.

1. Where the Judge condemns property as prize the decree of condemnation may be enforced :—

- (1.) If the property is still under arrest, by sale of such property.
- (2.) If the property has been sold before condemnation and the proceeds have not already been paid into Court, by order to the persons holding the same to pay the same into Court.
- (3.) In respect of freight found due for the carriage of goods in a ship condemned as prize, by arrest of the goods so carried until payment into Court of such freight, or by order against the owner of the goods, or other persons holding or responsible for such freight, to pay the same into Court.
- (4.) So far as a decree deals with costs and expenses (other than costs and expenses ordered to be paid out of proceeds), by order against the parties ordered to pay the same or their bail.
- (5.) If the property has been released on bail before condemnation, by order against the bail.

2. Where the Judge decrees property taken or seized as prize to be restored to the owner thereof the decree shall be carried out by means of a release as prescribed in Order XIII: Provided that the Judge may order such release upon such terms as to the payment of costs and expenses and freight (if any is due), or otherwise, as to the Judge may seem just; and if such terms are not complied with or such payments are not made within a time to be named in the order, may direct the appraisal and sale of such property, and the payment into Court of the proceeds of sale, and the payment thereof of such costs and expenses or freight.

3. Where in a decree restoring a ship it is pronounced that freight is due in respect of cargo carried therein and payment of such freight is ordered, the decree may be enforced as regards the payment of freight against the cargo or the owners thereof :—

- (1.) If the cargo has been condemned, by payment out of the proceeds of the sale of such cargo.
- (2.) If the cargo has been unladen and sold before adjudication and the proceeds of the sale are still in Court, by payment out of the proceeds of sale.
- (3.) If the cargo has been unladen, but still remains under the arrest of the Court, by sale of such cargo and payment out of the proceeds of sale.
- (4.) If the cargo has been unladen and has been restored to the owner on bail, by order against the bail to pay the freight into Court.
- (5.) If the cargo has been unladen and has been restored to the owner without bail, by order against the owner or person to whom the same has been restored, or against any person having received or being in possession of such cargo or freight, to pay such freight into Court.

4. Any decree or order other than a decree of condemnation or restitution, and not expressly provided for by the Naval Prize Acts or by these Rules, may be enforced by order against the parties against whom such decree or order is made, or may be enforced in the same manner as a judgment, decree, or order of the High Court in the exercise of its Admiralty jurisdiction, or, in the case of a Court in a British Possession, in the same manner as a judgment, decree, or order of that Court in the exercise of its ordinary jurisdiction may be enforced.

5. Forms of order and decrees will be found in Appendix A, Nos. 52 and 53 (i) to (xxviii).

6. The Rules of this Order shall apply to the enforcement by the Court of decrees or orders of any other Prize Court or of the Judicial Committee of the Privy Council.

ORDER XXVIII.

DETENTION.

1. Where it is held in a suit for condemnation that the ship is an enemy ship, but in pursuance of some International convention or otherwise is only liable to detention and not to condemnation, the decree (Appendix A, Form 53, ii and iv) shall direct the marshal to retain the ship in his custody until further orders.