

PRIZE JURISDICTION ACT 3 OF 1968

[ASSENTED TO 27 FEBRUARY 1968]

[DATE OF COMMENCEMENT: TO BE PROCLAIMED]

(English text signed by the Acting State President)

as amended by
General Law Amendment Act 49 of 1996

ACT

To regulate the prize jurisdiction of courts and to provide for matters incidental thereto.

1 Definitions

In this Act, unless the context otherwise indicates-

'**division**' means a provincial or local division of the Supreme Court of South Africa;

'**prize**' means-

(a) a ship or aircraft captured as prize *jure belli*; and

(b) anything so captured while in or upon a ship or aircraft, whether or not the ship or aircraft is so captured;

'**prize proceedings**' means any proceedings relating to prize or alleged prize.

2 Prize jurisdiction of courts

Any division has jurisdiction in all prize proceedings instituted in such division, whether or not the capture or alleged capture occurred within or outside the Republic or within or outside the area of jurisdiction of the division concerned.

3 Adjudication of prize proceedings

Prize proceedings shall be adjudicated upon *mutatis mutandis* as if they were civil proceedings and a court adjudicating upon such proceedings shall, in addition to the powers it possesses by virtue of its ordinary civil jurisdiction, also have the power to make any appropriate order it may deem fit.

4 Condemned prize

Condemned prize shall belong to the State.

5 Rules of Court

A power to make rules under the Supreme Court Act, 1959 (Act 59 of 1959), shall be deemed to include also the power to make such rules as the Chief Justice of South Africa deems necessary or expedient for the adjudication of prize proceedings or the regulation of any matter relating thereto.

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[S. 6 repealed by s. 1 of Act 49 of 1996.]

7 Repeal of laws

The laws mentioned in the Schedule are hereby repealed to the extent therein indicated in so far as they apply in respect of the Republic.

8 Short title and commencement

This Act shall be called the Prize Jurisdiction Act, 1968, and shall come into operation

on a date to be fixed by the State President by proclamation in the *Gazette*.

Schedule
LAWS REPEALED

No and Year of Law	Title	Extent of Repeal
27 & 28 Victoria, Ch. 25	'The Naval Prize Act, 1864'	In so far as it relates to prize matters
53 & 54 Victoria, Ch. 27	'The Colonial Courts of Admiralty Act, 1890'	In so far as it relates to prize matters
57 & 58 Victoria, Ch. 39	'The Prize Courts Act, 1894'	In so far as it relates to prize matters
4 & 5 George 5, Ch. 13	'The Prize Courts (Procedure) Act, 1914'	In so far as it relates to prize matters
5 & 6 George 5, Ch. 57	'The Prize Courts Act, 1915'	In so far as it relates to prize matters
6 & 7 George 5, Ch. 2	'The Naval Prize (Procedure) Act, 1916'	In so far as it relates to prize matters