

## DESPATCHES FROM THE SECRETARY OF STATE.

No. 29.—The following Orders of the King in Council are published for general information :—

AT THE COURT AT BUCKINGHAM PALACE,

THE 28TH DAY OF NOVEMBER, 1914.

PRESENT

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section three of the Prize Courts Act, 1894, His Majesty in Council is authorized to make rules of court for regulating, subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of prize courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein :

And whereas in pursuance of the Prize Courts Act, 1894, certain rules were made by His Majesty's Order in Council dated the 5th day of August, 1914 :

And whereas His Majesty was pleased by His Order in Council dated the 30th day of September, 1914, to amend the said rules in the manner hereinafter appearing, and to direct that the said Order in Council should take effect provisionally in accordance with the provisions of Section two of the Rules Publication Act, 1893, from the date thereof :

And whereas the provisions of Section one of the last recited Act have been complied with in respect of such amendments :

Now, Therefore, His Majesty, by virtue of the powers in this behalf by the Prize Courts Act, 1894, or otherwise in Him vested, is pleased to order, and it is hereby ordered, as follows :—

1. That in Order XXVIII. (Detention) of the said Rules, Rule 3 shall be omitted and this omission shall be retrospective and shall take effect as if the said Rule had never been inserted in the said Rules.
2. That in Order XXIX. (Requisition by Admiralty) of the said Rules the following words shall be omitted :—
  - In Rules 1 and 3, the words "on motion."
  - In Rule 1, the words "Form of notice of motion will be found in Appendix A. No. 54."
  - In Rule 4, the words "by motion."
3. That the following Rules shall be added to the aforesaid Order XXIX., after Rule 4 thereof :—
  - 4A. Notwithstanding anything contained in this Order, the Court shall on the request of the proper Officer of the Crown accept in lieu of payment into Court an undertaking in writing signed by the proper Officer of the Crown for payment into Court on behalf of the Crown of the appraised value of the ship, or of the amount fixed under Rule 4 of this Order, as the case may be, at such time or times as the Court shall declare by Order that the same or any part thereof is required for the purpose of payment out of Court.
  - 4B. Where in any case of requisition under this Order it is made to appear to the Judge on behalf of the Crown that the Lords of the Admiralty desire to requisition the ship temporarily, the Court may, in lieu of an Order of Release, make an Order for the temporary delivery of the ship to the Lords of the Admiralty, and subject as aforesaid the provisions of this Order shall apply to such a requisition; provided that, in the event of the return of the ship to the custody of the Court, the Court may make such Order as it thinks fit for the return to the Crown of the money paid into Court, or some or any part thereof, or the release of the undertaking given on behalf of the Crown or the reduction of the amount undertaken to

be paid thereby, as the case may be; and provided also that, where the ship so requisitioned is subject to the provisions of Order XXVIII. Rule 1, relating to detention, the amount for which the Crown shall be considered liable in respect of such requisition shall be the amount of the damage, if any, which the ship has suffered during such temporary delivery as aforesaid.

4. That Form No. 54 in Appendix A. to the said Rules shall be omitted.

ALMERIC FITZROY.

AT THE COURT AT BUCKINGHAM PALACE,

THE 28TH DAY OF NOVEMBER, 1914.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section three of the Prize Courts Act, 1894, His Majesty in Council is authorized to make Rules of Court for regulating, subject to the provisions of the Naval Prize Act, 1864, and the said Act, the procedure and practice of Prize Courts, within the meaning of the Naval Prize Act, 1864, and the duties and conduct of the Officers thereof and of the Practitioners therein, and for regulating the fees to be taken by the Officers of the Courts, and the costs, charges, and expenses to be allowed to the Practitioners therein:

And whereas in pursuance of the Prize Courts Act, 1894, certain Rules were made by His Majesty's Order in Council dated the 5th day of August, 1914, and amended by His Majesty's Order in Council of the 30th day of September, 1914, which said Rules, and amended Rules, were by the said Orders in Council directed to take effect provisionally in accordance with the provisions of Section two of the Rules Publication Act, 1893, from the dates of the said Orders in Council respectively:

And whereas the provisions of Section one of the Rules Publication Act, 1893, have been complied with in respect of the said Rules, and amended Rules, and the same were finally made by His Majesty's Orders in Council dated respectively the 17th day of September, 1914, and the 28th day of November, 1914:

And whereas it is expedient that the said Rules should be further amended:

And whereas on account of urgency this Order should come into immediate operation:

Now, Therefore, His Majesty, by virtue of the powers in this behalf by the said Act or otherwise in Him vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

1. That in Order XXVII. (Enforcement and Execution of Decrees and Orders) of the said Rules the following shall be added to Rule 1 (1):—

“Provided that on the application of the proper Officer of the Crown the Court shall order delivery of the property to the Crown in lieu of sale, and if at the time of such application an Order for sale has already been made but no sale has taken place, the Order for sale shall be rescinded for the purpose of giving effect to such application, but the Order for delivery to the Crown may, if the Court thinks fit, be made subject to payment by the Crown of such costs, expenses, or other sums, as might have been ordered to be paid out of the proceeds of sale if the property had been sold under Order of the Court.”

2. This Order shall take effect provisionally in accordance with the provisions of Section two of the Rules Publication Act, 1893, from the date hereof.

ALMERIC FITZROY.