

DESPATCHES FROM THE SECRETARY OF STATE.

No. 143.—The following Order of the King in Council is published for general information :—

AT THE COURT AT BUCKINGHAM PALACE,

THE 3RD DAY OF FEBRUARY, 1915.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by Section 3 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 dated 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 2 of the Rules Publication Act, 1893, from the date of the said Orders in Council respectively :

And whereas the provisions of Section 1 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 His Majesty was pleased, by His Order in Council dated the 28th day of November, 1914, further 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 2 of the Rules Publication Act, 1893, from the date thereof :

And whereas the provisions of Section 1 of the last-recited Act have been complied with in respect of such further amendment :

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 :—

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.”

ALMERIC FITZROY.