

BUITENGEWONE



EXTRAORDINARY

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DEPARTMENT OF THE PRIME MINISTER.

No. 299.]

[6th March, 1968.

It is hereby notified that the Acting State President has assented to the following Acts which are hereby published for general information:—

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No. 3 of 1968: Prize Jurisdiction Act, 1968 14

No. 3, 1968.]

ACT

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

*(English text signed by the Acting State President.)
(Assented to 27th February, 1968.)*

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

Definitions.

1. In this Act, unless the context otherwise indicates—

- (i) “division” means a provincial or local division of the Supreme Court of South Africa; (i)
- (ii) “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; (ii)
- (iii) “prize proceedings” means any proceedings relating to prize or alleged prize. (iii)

Prize jurisdiction of courts.

2. 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.

Adjudication of prize proceedings.

3. 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.

Condemned prize.

4. Condemned prize shall belong to the State.

Rules of Court.

5. A power to make rules under the Supreme Court Act, 1959 (Act No. 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.

Application of Act to South-West Africa.

6. This Act and any amendment thereof shall apply also in the territory of South-West Africa, including the Eastern Caprivi Zipfel referred to in section 3 of the South-West Africa Affairs Amendment Act, 1951 (Act No. 55 of 1951), and in relation to all persons in that portion of the said territory known as the “Rehoboth Gebiet” and defined in the First Schedule to Proclamation No. 28 of 1923 of the said territory.

Repeal of laws.

7. 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.

Short title and commencement.

8. 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.