



Australian Capital Territory

Offences at Sea Act 1536

28 Hen 8 c 15

Republication No 1

Republication date: 10 July 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Offences at Sea Act 1536* 28 Hen 8 c 15 as in force on 10 July 2002. It includes any commencement, repeal or expiry affecting the republished law and any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes).

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



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Australian Capital Territory

Offences at Sea Act 1536

28 Hen 8 c 15

For pirates

1

- (1) Where traytors, pirates, thieves, robbers, murtherers and consederates upon the sea, many times escaped unpunished, because the trial of their offences hath heretofore been ordered, judged and determined before the admiral, or his lieutenant or commissary, after the course of the civil laws;
- (2) The nature whereof is, that before any judgment of death can be given against the offenders, either they must plainly confess their offences (which they will never do without torture or pains) or else their offences be so plainly and directly proved by witness indifferent, such as saw their offences committed, which cannot be gotten but by chance at few times, because such offenders commit their offences upon the sea, and at many times murther and kill such persons being in the ship or boat where they commit their offences, which should witness against them in that behalf; and also such as should bear witness be commonly mariners and shipmen, which, because of their often voyages and passages in the seas, depart without long tarrying and protraction of time, to the great costs and charges as well of the King's highness, as such as would pursue such offenders:
- (3) For reformation whereof, be it enacted by the authority of this present parliament, that all treasons, felonies, robberies, murthers and confederacies hereafter to be committed in or upon the sea, or in any other haven, river, creek or place where the admiral or admirals have or pretend to have power, authority or jurisdiction, shall be inquired, tried, heard, determined and judged, in such shires and places in the realm, as shall be limited by the King's commission or commissions to be directed for the same, in like form and condition, as if any such offence or offences had been committed or done in or upon the land;

- (4) And such commissions shall be had under the King's great seal, directed to the admiral or admirals, or to his or their lieutenant, deputy and deputies, and to three or four such other substantial persons, as shall be named or appointed by the Lord Chancellor of England for the time being, from time to time, and as oft as need shall require, to hear and determine such offences after the common course of the laws of this realm, used for treasons, felonies, murders, robberies and confederacies of the same, done and committed upon the land within this realm.

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- (1) And be it enacted by the authority aforesaid, that such persons to whom such commission or commissions shall be directed, or four of them at the least, shall have full power and authority to enquire of such offences, and of every of them, by the oaths of twelve good and lawful inhabitants in the shire limited in their commission, in such like manner and form, as if such offences had been committed upon the land within the same shire;
- (2) And that every indictment, found and presented before such commissioners, of any treasons, felonies, robberies, murders, manslaughter, or such other offences, being committed or done in or upon the seas, or in or upon any other haven, river or creek, shall be good and effectual in the law;
- (3) And if any person or persons happen to be indicted for any such offence done or hereafter to be done upon the seas, or in any other place above limited, that then such order, process, judgment and execution shall be used, had, done and made, to and against every such person and persons so being indicted, as against traytors, felons and murderers, for treason, felony, robbery, murder or other such offences done upon the land, as by the laws of this realm is accustomed;
- (4) And that the trial of such offence or offences, if it be denied by the offender or offenders, shall be had by twelve lawful men inhabited in the shire limited within such commission, which shall be directed

as is aforesaid, and no challenge or challenges to be had for the hundred;

- (5) And such as shall be convict of any such offence or offences, by verdict, confession or process, by authority of any such commission, shall have and suffer such pains of death, losses of lands, goods and chattels, as if they had been attainted and convicted of any treasons, felonies, robberies, or other the said offences done upon the lands.

4

Provided alway, that this act extend not to be prejudicial or hurtful to any person or persons for taking any victual, cables, ropes, anchors or sails, which any such person or persons (compelled by necessity) taketh of or in any ship which may conveniently spare the same, so the same person or persons pay out of hand for the same victual, cables, ropes, anchors or sails, money or money-worth to the value of the thing so taken, or do deliver for the same a sufficient bill obligatory to be paid in form following, that is to say, if the taking of the same things be on this side the Straits of Marroke, then to be paid within four months, and if it be beyond the said Straits of Marroke, then to be paid within twelve months next ensuing the making of such bills, and that the makers of such bills well and truly pay the same debt at the day to be limited within the said bills.

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

If the republished law includes penalties, current information about penalty unit values appears on the republication inside front cover.

2 Abbreviation key

| | |
|---|---|
| am = amended | ord = ordinance |
| amdt = amendment | orig = original |
| ch = chapter | p = page |
| cl = clause | par = paragraph |
| def = definition | pres = present |
| dict = dictionary | prev = previous |
| disallowed = disallowed by the Legislative Assembly | (prev...) = previously |
| div = division | prov = provision |
| exp = expires/expired | pt = part |
| Gaz = Gazette | r = rule/subrule |
| hdg = heading | reg = regulation/subregulation |
| IA = Interpretation Act 1967 | renum = renumbered |
| ins = inserted/added | reloc = relocated |
| LA = Legislation Act 2001 | R[X] = Republication No |
| LR = legislation register | s = section/subsection |
| LRA = Legislation (Republication) Act 1996 | sch = schedule |
| mod = modified / modification | sdiv = subdivision |
| No = number | sub = substituted |
| num = numbered | SL = Subordinate Law |
| o = order | <u>underlining</u> = whole or part not commenced or to be expired |
| om = omitted/repealed | |

3 Legislation history

This Act was originally a UK Act—(1536) 28 Hen 8 c 15 (UK). The Act was renamed as the *Offences at Sea Act 1536* when it was first republished under the *Legislation Act 2001*.

The Act was apparently in force in NSW immediately before 1 January 1911 (the date of establishment of the ACT) and was continued in force by the *Seat of Government Acceptance Act 1909* (Cwlth), s 6.

Under the *Seat of Government (Administration) Act 1910* (Cwlth), s 4 the Act had effect in the ACT as if it were an ACT law (subject to ordinances made under the *Seat of Government (Administration) Act 1910*).

The *Australian Capital Territory (Self-Government) Act 1988* (Cwlth), s 34 (4) converted most former UK laws in force in the ACT into ACT enactments. This allowed the ACT Legislative Assembly to amend and repeal the laws. This Act was converted into an ACT enactment on 11 May 1989 (self-government day).

Under the *Interpretation Act 1967* (repealed), s 65 all former UK Acts in force in the ACT immediately before 10 November 1999 (including this Act) became, for all purposes, laws made by the ACT Legislative Assembly. This completed the process of making former UK Acts fully into ACT laws.

Offences at Sea Act 1536 28 Hen 8 c 15

as amended by

Imperial Acts Application Act 1986 No 93 s 4 and sch 1

notified 12 January 1987 (Cwlth Gaz 1986 No S1)

s 4 and sch 1 commenced 12 January 1987 (s 2 (1))

4 **Amendment history**

The *Imperial Acts Application Act 1986* (the **1986 Act**), sch 1, listed the sections of this Act that were to continue in force in the ACT. Sections 1, 2 and 4 were continued, the rest of the Act was omitted (see 1986 Act, s 4 (4)).

The 1986 Act removed any doubt about the application of the sections in the ACT (see s 6 (3)). However, the application of the sections in the ACT is subject to any inconsistent non-imperial law in force in the ACT on the commencement of the 1986 Act (see s 8).

The *Piracy Punishment Act 1902*, section 5 affects the application of this Act by substituting a maximum penalty of 15 years imprisonment for the penalty of death.

This Act has not been amended since the enactment of the 1986 Act, except under the *Legislation Act 2001*.

Name of Act

am R1 LA

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