



Australian Capital Territory

Piracy Act 1744

18 Geo 2 c 30

Republication No 1

Republication date: 11 July 2002

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Piracy Act 1744* 18 Geo 2 c 30 as in force on 11 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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An Act to amend the *Piracy Act 1698*

1

Whereas by the *Piracy Act 1698*; it is (amongst other things) enacted, that all piracies, felonies, and robberies committed on the sea, or in any haven, river, creek, or place where the admiral or admirals have power, authority, or jurisdiction, may be examined, enquired of, tried, and determined and adjudged, according to the directions of the *Piracy Act 1698*, in any place at sea, or upon the land, in any of his Majesty's islands, plantations, colonies, dominions, forts, or factories, to be appointed for that purpose by the King's commission, in the manner therein directed:

And it is also thereby further enacted, that if any of his Majesty's natural born subjects, or denizens of this Kingdom shall commit any piracy or robbery, or any act of hostility, against others of his Majesty's subjects, upon the sea, under colour of any commission from any foreign prince or state, or pretence of authority from any person whatsoever, such offenders shall be deemed pirates, felons, and robbers;

And they being duly convicted, according to the *Piracy Act 1698*, or according to the *Offences at Sea Act 1536*, therein recited, shall have and suffer such pains of death, loss of lands, goods and chattels, as pirates, felons, and robbers upon the seas, ought to have and suffer:

And whereas, since the present wars with France and Spain, divers of his Majesty's natural born subjects have entered in the service of his Majesty's enemies, on board privateers, or other ships, having commissions from the crowns of France or Spain, and committed divers hostilities against his Majesty's subjects upon the seas, in the West Indies, and other parts:

And whereas doubts have arisen, whether as such offenders have, by such their adherence to the King's enemies, been guilty of high treason, they can be deemed guilty of felony, within the intent of the *Piracy Act 1698*, and, as such, liable to be tried by the said court of

admiralty appointed or to be appointed by virtue of the *Piracy Act 1698*:

Therefore, to put an end to the said doubts, and to prevent the inconveniencies that must arise, by the want of speedy justice on such offenders; may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that all persons being natural born subject, or denizens of his Majesty, who during the present or any future wars, have committed, or shall commit, any hostilities upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority or jurisdiction against his Majesty's subject, by virtue or under colour of any commission from any of his Majesty's enemies, or have been, or shall be any other ways adherent, or giving aid or comfort to his Majesty's enemies upon the sea, or in any haven, river, creek, or place, where the admiral or admirals have power, authority or jurisdiction, may be tried as pirates, felons and robbers in the said court of admiralty, on ship-board, or upon the land, in the same manner as persons guilty of piracy, felony and robbery, are by the *Piracy Act 1698* directed to be tried;

And such persons being upon such trial convicted thereof, shall suffer such pains of death, loss of lands, goods and chattels, as any other pirates, felons and robbers ought, by virtue of the *Piracy Act 1698*, or any other Act, to suffer.

2

Provided, and it is hereby declared and enacted, that any person who shall be tried and acquitted, or convicted, according to this Act, for any of the said crimes, shall not be liable to be indicted, prosecuted, or tried again in Great Britain, or elsewhere, for the same crime or fact as high treason.

3

Provided, that nothing in this Act contained shall be construed to extend to prevent any persons guilty of any of the said crimes, who shall not be tried according to this Act, from being tried for high treason within this realm, according to the *Offences at Sea Act 1536*.

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—(1744) 18 Geo 2 c 30 (UK). The Act was renamed as the *Piracy Act 1744* 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.

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4 Amendment history

The *Imperial Acts Application Act 1986* (the **1986 Act**), sch 1, listed this Act as an Act that was to continue to be in force in the ACT (see 1986 Act, s 4 (4)).

The 1986 Act removed any doubt about the application of the Act in the ACT (see s 6 (3)). However, the application of the Act 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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