



Australian Capital Territory

Piracy Act 1721

8 Geo 1 c 24

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 1721* 8 Geo 1 c 24 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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Australian Capital Territory

Piracy Act 1721

8 Geo 1 c 24

An Act for the more effectual suppressing of Piracy

1

Whereas the number of persons committing piracies, felonies and robberies upon the seas, is of late very much increased;

And notwithstanding the laws already made and now in being, many idle and profligate persons have turned pirates, and betaken themselves to that wicked course of life, whereby the trade and navigation into remote parts will greatly suffer, unless some further provision be speedily made for bringing such persons, and all others, who shall be any ways aiding and assisting, or in confederacy with them, to condign punishment;

Be it therefore declared and 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 if any commander or master of any ship or vessel, or any other person or persons, shall from and after the twenty-fifth day of March which shall be in the year of our Lord one thousand seven hundred and twenty-two, any wise trade with any pirate, by truck, barter, exchange, or in any other manner, or shall furnish any pirate, felon or robber upon the seas, with any ammunition, provision or stores of any kind, or shall fit out any ship or vessel knowingly, and with a design to trade with, or supply or correspond with any pirate, felon or robber upon the seas, or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate, felon or robber on the seas, knowing him to be guilty of any such piracy, felony or robbery, such offender and offenders, and every of them, shall in each and every of the said cases be deemed, adjudged and taken to be guilty of piracy, felony and robbery, and he and they shall and may be inquired of, tried, heard and adjudged of and for all or any the matters aforesaid, according to the *Offences at Sea Act 1536*, and the *Piracy Act 1698*, which by the *Piracy Act 1717* is made perpetual, and he and they being convicted of all or any the matters aforesaid, shall suffer such

pains of death, loss of lands, goods and chattels, as pirates, felons and robbers upon the seas ought to suffer;

And in case any person or persons belonging to any ship or vessel whatsoever, upon meeting any merchant-ship or vessel on the high seas, or in any port, haven or creek whatsoever, shall forcibly board or enter into such ship or vessel, and though they do not seize and carry off such ship or vessel, shall throw over-board, or destroy any part of the goods or merchandizes belonging to such ship or vessel, the person or persons who shall be guilty thereof, shall in all respects be deemed and punished as pirates as aforesaid.

2

And be it further enacted by the authority aforesaid, that every ship or vessel which shall be fitted out with a design to trade with, or supply or correspond with any pirate, and all and every goods and merchandizes put on board the same for any intent or purpose to trade with any pirate, felon or robber on the seas, shall be ipso facto forfeited;

One moiety thereof to the use of the King's majesty, his heirs and successors, the other moiety to the person or persons who shall first make discovery, and give information of such intent or design;

And such person or persons who shall first make such discovery, shall and may sue for and recover the said ship or vessel, and all and every the goods and merchandizes on board the same, in the high court of admiralty.

3

And whereas there are some defects in the laws for bringing persons, who are accessories to piracy and robbery upon the seas, to condign punishment, if the principal who committed such perracy and robbery, is not or cannot be apprehended and brought to justice;

Be it therefore enacted by the authority aforesaid, that all and every person and persons whatsoever, who by the *Piracy Act 1698*, are

declared to be accessory or accessories to any piracy or robbery therein mentioned, are hereby declared, and shall be deemed and taken to be principal pirates, felons and robbers, and shall and may, from and after the said twenty-fifth day of March one thousand seven hundred and twenty-two, be inquired of, heard, determined and adjudged, in the same manner as persons guilty of piracy and robbery may and ought to be inquired of, tried, heard, determined and adjudged by the *Piracy Act 1698*, and being thereupon attainted and convicted, shall suffer such pains of death, loss of lands, goods and chattels, and in like manner as pirates and robbers ought by the said Act to suffer.

4

And be it further enacted by the authority aforesaid, that all and every offender or offenders convicted of any piracy, felony or robbery by virtue of this Act, shall not be admitted to have the benefit of clergy, but be utterly excluded of and from the same.

5

And to the end that a further encouragement may be given to all seamen and mariners to sight and defend their ships from pirates, be it enacted by the authority aforesaid, that in case any seaman or mariner on board any merchant ship or vessel, or any other ship or vessel, shall be maimed in fight against any pirate, every such seaman and mariner, upon due proof of his being maimed in such fight, shall not only have and receive the rewards already appointed by a statute made in the twenty-second and twenty-third years of the reign of King Charles the Second, intituled, An Act to prevent the delivering up of merchant-ships, and for the increase of good and serviceable seamen, but shall also be admitted into and provided for in Greenwich Hospital, preferable to any other seaman or mariner who is disabled from service or getting a livelihood merely by his age.

6

And be it further enacted by the authority aforesaid, that in case any commander, master, or other officer, or any seaman or mariner of any merchant-ship or vessel which carries guns and arms, shall not when they are attacked by any pirate, or by any ship or vessel on which any such pirate is on board, sight and endeavour to defend themselves, and their said ship or vessel from being taken by the said pirate, or shall utter any words to discourage the other mariners from defending the ship, and by reason thereof the said ship or vessel shall fall into the hands of such pirate;

Then and in every such case every such commander or master, or other officer, and every seaman or mariner, who shall not fight and endeavour to defend and save the said ship or vessel, or who shall utter any such words as aforesaid, shall lose and forfeit all and every part of the wages due to him and them respectively, to the owner and owners of the said ship or vessel, and shall not be permitted to sue for or recover the same, or any part thereof, in any court either of law or equity, and as a farther punishment shall suffer six months imprisonment.

7

And for prevention of seamen or mariners deserting merchant-ships or vessels abroad in the plantations, or in any other parts beyond the seas, which is the chief occasion of their turning pirates, and of great detriment to trade and navigation, and is chiefly occasioned by the owner or owners of ships or vessels, paying wages to the seamen or mariners when abroad:

Be it enacted by the authority aforesaid, that no master or owner of any merchant-ship or vessel shall pay or advance, or cause to be paid or advanced to any seaman or mariner, during the time he shall be in parts beyond the seas, any money or effects upon account of wages, exceeding one moiety of the wages which shall be due at the time of such payment, until such ship or vessel shall return to Great

Britain or Ireland, or the plantations, or to some other of his Majesty's dominions whereto they belong, and from whence they were first fitted out;

And if any such master or owner of such merchant-ship or vessel shall pay or advance, or cause to be paid or advanced, any wages to any seaman or mariner above the said moiety, such master or owner shall forfeit and pay double the money he shall so pay or advance, to be recovered in the high court of admiralty, by any person who shall first discover and inform of the same.

8

And whereas great interruptions and inconveniencies may attend his Majesty's service by the captains or commanders, or other officers of his Majesty's ships or vessels of war, their receiving on board such ships or vessels goods and merchandizes, and trading therewith contrary to instructions, which strictly forbid their doing the same:

To prevent therefore the said interruptions and inconveniencies for the future, be it enacted by the authority aforesaid, that in case any captain, commander, or other officer of any of his Majesty's ships or vessels of war, whether such ship or vessel shall be employed at home or abroad, shall from and after the twenty-ninth day of September in the year of our Lord one thousand seven hundred and twenty-two, receive on board, or permit to be received on board, such ship or vessel of war, any goods or merchandizes whatsoever, in order to trade or merchandize with the same either upon his own or any other persons account, except gold, silver or jewels, and except the goods or merchandizes belonging to any merchant-ship or vessel which may be shipwrecked, or in imminent danger of being shipwrecked either on the high seas, or in any port, creek or harbour, within his Majesty's dominions at home or abroad, or elsewhere, in order to the preserving them for their proper owners;

And except such goods or merchandizes as they shall at any time be ordered to take or receive on board by order of the lord high admiral

of Great Britain, or the commissioners for executing that office for the time being, or any three or more of them;

Every such captain, commander or officer of any of his Majesty's ships or vessels of war so offending, shall upon his being convicted thereof by a court martial, lose and forfeit the command and office he then shall have in the said ship or vessel of war, and shall be, and he is hereby for ever afterwards rendered incapable to serve any longer in the same, or in any other place or office in the naval service of his Majesty, his heirs and successors;

And such captain, commander, or other officer offending as aforesaid, shall as a further punishment for his said offence, lose and forfeit to his Majesty, his heirs and successors, all the wages due to him for his service in the ship or vessel of war whereunto he shall belong, when or at any time after such offence shall be committed.

9

And be it further enacted, that the said captain, commander, or other officer of the said ship or vessel of war, and all and every the owners and proprietors of such goods or merchandizes put on board such ship or vessel of war as aforesaid, shall lose, forfeit and pay the value of all and every such goods and merchandizes so put on board as aforesaid;

One moiety of such full value to such person or persons as shall make the first discovery, and give information of or concerning the said offence, the other moiety of such full value to and for the use of Greenwich Hospital;

All which forfeitures shall and may be sued for and recovered in the high court of admiralty.

10

And be it also enacted, that this Act shall extend to all his Majesty's dominions in Asia, Africa and America, and shall be taken as a publick Act, and shall continue in force for seven years, from the

twenty-fifth day of March one thousand seven hundred and twenty-two, and from thence to the end of the then next session of parliament.

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—(1721) 8 Geo 1 c24 (UK). The Act was renamed as the *Piracy Act 1721* 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.

Piracy Act 1721 8 Geo 1 c 24

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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