

FOREIGN OFFICE, October 27, 1915.

ITALIAN PRIZE COURT.

With reference to the notification which appeared in the Edinburgh Gazette of June 25 last, His Majesty's Secretary of State for Foreign Affairs has received from His Majesty's Ambassador at Rome the following translations of Decrees and Regulations which have been issued with regard to the Italian Prize Court.

In this connection reference is also made to the Regulations published in the Edinburgh Gazette of the 22nd ultimo.

(1)

(Decree of May 30, 1915, No. 807.)

(Translation.)

Thomas, Duke of Genoa, Lieutenant-General of His Majesty Victor Emmanuel III, &c.

In virtue of the authority delegated to us ;

In view of Article 225 of the Code for the Mercantile Marine ;

In view of the state of war existing between the Kingdom of Italy and other European Powers, after consultation with the Council of Ministers ;

On the proposal of the Minister of Marine, in concert with the Minister of Foreign Affairs, of Colonies, of Justice and Worship, we have decreed and we decree :—

Article 1.—The Prize Court provided for in Article 225 of the Mercantile Marine Code will have its seat in Rome, and will have authority also for the colonies.

Article 2.—The Prize Court will be presided over by a first president of the Court of Appeal, active or retired, or by a president of a section of the Court of Cassation, active or retired.

It will be composed of the following ordinary and supplementary members :—

Ordinary members :—

(a) An admiral.

(b) A member of the "contentieux diplomatique."

(c) A Counsellor of State.

(d) The Director-General of the Mercantile Marine.

(e) The inspector of the port captaincies.

(f) A magistrate of the legal profession having rank not inferior to that of a Counsellor of Court of Appeal.

In categories (a), (b), (c), and (f) a supplementary member will be selected.

Article 3.—A Government commissioner will initiate the proceedings in the name of the Government, and will record his opinions. A magistrate of the public ministry of a rank not inferior to a King's procurator will act as Government commissioner. In case of absence or other impediment another magistrate of the public ministry will take his place.

The Government commissioner and the supplementary commissioner when the latter is taking the former's place have no voice in the discussions, and no vote.

Article 4.—The Prize Court will be attended by a secretary, having no vote, selected from among the officials at the Admiralty, at a rank not inferior to that of commander.

The secretary will be assisted by a vice-secretary, who replaces him in case of temporary absence.

The vice-secretary will be selected from among the officials of the Ministries of Foreign Affairs, Marine, and Grace, Justice, and Worship of a rank not inferior to that of first secretary.

Article 5.—The president, the ordinary and supplementary members of the Prize Court, the Government commissioners and the supplementary commissioners, and the secretary will be appointed by decree on the recommendation of the Ministers of Marine, Foreign Affairs, and Justice.

The vice-secretary is appointed by decree of these Ministers.

Article 6.—The Prize Court will draw up, at its first sitting, rules of procedure for its future guidance. These rules will be published in the Official Gazette.

Article 7.—Five members constitute a quorum, including the president or his substitute.

The president or his substitute will have the casting vote.

Article 8.—Interested parties may present written memorials direct to the president of the Court.

Article 9.—The representatives of foreign Powers accredited to the Italian Government may address to the Government commissioner any observations which they may think advisable in the interests of their nationals.

Article 10.—The decisions of the Court will include an exposition of the grounds on which they are based (*sono motivate*). They are not subject to appeal, opposition, or revocation, except when taken to the Supreme Court of Cassation in the terms and conditions laid down in Article 3 of the law of 31st March 1877, No. 3761 (series 2).

Article 11.—The decisions of the Prize Court will be communicated to the Ministries of Foreign Affairs and Marine within eight days of their pronouncement.

Article 12.*—The expenses of the secretariat and other incidental expenses for the working and service of the Prize Court will be charged to the extraordinary funds placed at the disposal of the Ministry of Marine in consequence of the international situation.

We order that the present decree sealed with the seal of State shall be inserted among the laws and decrees of the Kingdom of Italy, commanding all concerned to obey it and cause it to be obeyed.

Given at Rome, May 30, 1915.

THOMAS OF SAVOY.

(2)

(Decree of August 1, No. 1234.)

(Translation.)

Article 1.—The Prize Court established by our decree No. 807 of 30th May 1915, is empowered to deal with all claims for compensation for losses presented against the State for matters pertaining to the exercise of the prize law during the present state of war.

The proceedings leading up to a decision by the Court in such cases shall begin by the presentation of the claim to the Ministry of Marine, and shall follow the course laid down in the rules to be drawn up for this purpose in

* See amended version in (2).