SCHEDULES

SCHEDULE 3

Section 2(2).

TEXT OF TITLES V AND VI OF ACCESSION CONVENTION

TITLE V

TRANSITIONAL PROVISIONS

ARTICLE 34

(1) The 1968 Convention and the 1971 Protocol, with the amendments made by this Convention, shall apply only to legal proceedings instituted and to authentic instruments formally drawn up or registered after the entry into force of this Convention in the State of origin and, where recognition or enforcement of a judgment or authentic instrument is sought, in the State addressed.

(2) However, as between the six Contracting States to the 1968 Convention, judgments given after the date of entry into force of this Convention in proceedings instituted before that date shall be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention as amended.

(3) Moreover, as between the six Contracting States to the 1968 Convention and the three States mentioned in Article 1 of this. Convention, and as between those three States, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall also be recognised and enforced in accordance with the provisions of Title III of the 1968 Convention as amended if jurisdiction was founded upon rules which accorded with the provisions of Title II, as amended, or with provisions of a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.

ARTICLE 35

If the parties to a dispute concerning a contract had agreed in writing before the entry into force of this Convention that the contract was to be governed by the law of Ireland or of a part of the United Kingdom, the courts of Ireland or of that part of the United Kingdom shall retain the right to exercise jurisdiction in the dispute.

ARTICLE 36

For a period of three years from the entry into force of the 1968 Convention for the Kingdom of Denmark and Ireland respectively, jurisdiction in maritime matters shall be determined in these States not only in accordance with the provisions of that Convention but also in accordance with the provisions of paragraphs (1) to (6) following. However, upon the entry into force of

the International Convention relating to the Arrest of Sea-going Ships, signed at Brussels on 10 May 1952, for one of these States, these provisions shall cease to have effect for that State.

(1) A person who is domiciled in a Contracting State may be sued in the courts of one of the States mentioned above in respect of a maritime claim if the ship to which the claim relates or any other ship owned by him has been arrested by judicial process within the territory of the latter State to secure the claim, or could have been so arrested there but bail or other security has been given, and either:
   (a) the claimant is domiciled in the latter State; or
   (b) the claim arose in the latter State; or
   (c) the claim concerns the voyage during which the arrest was made or could have been made ; or
   (d) the claim arises out of a collision or out of damage caused by a ship to another ship or to goods or persons on board either ship, either by the execution or non-execution of a manoeuvre or by the non-observance of regulations; or
   (e) the claim is for salvage ; or
   (f) the claim is in respect of a mortgage or hypothecation of the ship arrested.

(2) A claimant may arrest either the particular ship to which the maritime claim relates, or any other ship which is owned by the person who was, at the time when the maritime claim arose, the owner of the particular ship. However, only the particular ship to which the maritime claim relates may be arrested in respect of the maritime claims set out in sub-paragraphs (e), (p) or (q) of paragraph (5) of this Article.

(3) Ships shall be deemed to be in the same ownership when all the shares therein are owned by the same person or persons.

(4) When in the case of a charter by demise of a ship the charterer alone is liable in respect of a maritime claim relating to that ship, the claimant may arrest that ship or any other ship owned by the charterer, but no other ship owned by the owner may be arrested in respect of such claim. The same shall apply to any case in which a person other than the owner of a ship is liable in respect of a maritime claim relating to that ship.

(5) The expression " maritime claim " means a claim arising out of one or more of the following:
   (a) damage caused by any ship either in collision or otherwise ;
   (b) loss of life or personal injury caused by any ship or occurring in connection with the operation of any ship ;
   (c) salvage;
   (d) agreement relating to the use or hire of any ship whether by charterparty or otherwise ;
   (e) agreement relating to the carriage of goods in any ship whether by charterparty or otherwise ;
   (f) loss of or damage to goods including baggage carried in any ship;
   (g) general average;
   (h) bottomry;
   (i) towage;
   (j) pilotage;
   (k) goods or materials wherever supplied to a ship for her operation or maintenance;

(l) construction, repair or equipment of any ship or dock charges and dues;
(m) wages of masters, officers or crew ;
(n) master's disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;
(o) dispute as to the title to or ownership of any ship;
(p) disputes between co-owners of any ship as to the ownership, possession, employment or earnings of that ship ;
(q) the mortgage or hypothecation of any ship.

(6) In Denmark, the expression " arrest" shall be deemed as regards the maritime claims referred to in sub-paragraphs (o) and (p) of paragraph (5) of this Article, to include a *forbud*, where that is the only procedure allowed in respect of such a claim under Articles 646 to 653 of the law on civil procedure (*lov om rettens pleje*).

TITLE VI

FINAL PROVISIONS

ARTICLE 37

The Secretary-General of the Council of the European Communities shall transmit a certified copy of the 1968 Convention and of the 1971 Protocol in the Dutch, French, German and Italian languages to the Governments of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland.

The texts of the 1968 Convention and the 1971 Protocol, drawn up in the Danish, English and Irish languages, shall be annexed to this Convention. The texts drawn up in the Danish, English and Irish languages shall be authentic under the same conditions as the original texts of the 1968 Convention and the 1971 Protocol.

ARTICLE 38

This Convention shall be ratified by the signatory States. The instruments of ratification shall be deposited with the Secretary-General of the Council of the European Communities.

ARTICLE 39

This Convention shall enter into force, as between the States which shall have ratified it, on the first day of the third month following the deposit of the last instrument of ratification by the original Member States of the Community and one new Member State.

It shall enter into force for each new Member State which subsequently ratifies it on the first day of the third month following the deposit of its instalment of ratification.

ARTICLE 40

The Secretary-General of the Council of the European Communities shah notify the signatory States of:

(a) the deposit of each instrument of ratification,
(b) the dates of entry into force of this Convention for the Contracting States.

ARTICLE 41

This Convention, drawn up in a single original in the Danish, Dutch, English, French, German, Irish and Italian languages, all seven texts being equally authentic, shall be deposited in the archives of the Secretariat of the Council of the European Communities. The Secretary-General shall transmit a certified copy to the Government of each signatory State.