

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1956, Part I. (See end of Document for details)

SCHEDULES

FIRST SCHEDULE

PROVISIONS APPLICABLE TO NORTHERN IRELAND

PART I

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

Modifications etc. (not altering text)

C1 Pt. I extended by [Hovercraft Act 1968 \(c. 59\)](#), s. 2 (1)

Admiralty Jurisdiction of the High Court

- 1 (1) The Admiralty jurisdiction of the High Court shall be as follows, that is to say, jurisdiction to hear and determine any of the following questions or claims—
- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
 - (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
 - (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
 - (d) any claim for damage done by a ship;
 - (e) any claim for damage received by a ship;
 - (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or of the wrongful act, neglect or default of the owners, charterers or persons in possession or control of a ship or of the master or crew thereof or of any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible, being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
 - (g) any claim for loss of or damage to goods carried in a ship;
 - (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
 - (j) subject to the provisions of section five hundred and forty-seven of the ^{M1}Merchant Shipping Act 1894, (which requires salvage disputes to be determined summarily in certain cases), any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the ^{M2}Civil Aviation Act 1949, of the law relating to salvage to aircraft and their apparel and cargo);

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- (k) any claim in the nature of towage in respect of a ship or an aircraft;
- (l) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (m) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (n) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;
- (o) any claim by a master or member of the crew of a ship for wages and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the Merchant Shipping Acts 1894 to 1954, is recoverable as wages or in the court and in the manner in which wages may be recovered;
- (p) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (q) any claim arising out of an act which is or is claimed to be a general average act;
- (r) any claim arising out of bottomry;
- (s) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty,

together with any other jurisdiction which was vested in the Court of Admiralty of Ireland immediately before the date of the commencement of the ^{M3}Court of Admiralty (Ireland) Act 1867, and any other jurisdiction exercisable by the High Court by virtue of any Act which came into operation on or after that date as being a court with Admiralty jurisdiction.

- (2) The jurisdiction of the High Court under paragraph (b) of sub-paragraph (1) of this paragraph includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.
- (3) The reference in paragraph (j) of sub-paragraph (1) of this paragraph to claims in the nature of salvage includes a reference to such claims for services rendered in saving life from a ship or an aircraft or in preserving cargo, apparel or wreck as, under sections five hundred and forty-four to five hundred and forty-six of the ^{M4}Merchant Shipping Act 1894, or any Order in Council made under section fifty-one of the ^{M5}Civil Aviation Act 1949, are authorised to be made in connection with a ship or an aircraft.
- (4) The preceding provisions of this paragraph apply—
 - (a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be;
 - (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
 - (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law;

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Provided that nothing in this sub-paragraph shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the Merchant Shipping Acts 1894 to 1954.

- (5) The Admiralty jurisdiction of the High Court, as defined by the preceding provisions of this paragraph, shall be in lieu of any jurisdiction, other than a jurisdiction exercisable by way of appeal, exercisable by the High Court by reason of the union and consolidation of the Court of Admiralty of Ireland with the Supreme Court of Judicature of Ireland effected under section nine of the ^{M6}Supreme Court of Judicature Act (Ireland) 1877, and section six of the ^{M7}Supreme Court of Judicature (Ireland) (No. 2) Act 1897, shall have effect accordingly; but nothing in this paragraph shall deprive the High Court of any jurisdiction exercisable by way of appeal by reason of the said union and consolidation or of any jurisdiction relating to or connected with ships or aircraft exercisable by the High Court otherwise than by virtue of the said section nine and the said section six.

Modifications etc. (not altering text)

- C2** Para. 1(1)(d) extended by [Merchant Shipping \(Oil Pollution\) Act 1971 \(c. 59\), s. 13\(1\)](#) and [Merchant Shipping Act 1974 \(c. 43\), s. 6\(1\)](#)

Marginal Citations

- M1** 1894 c. 60.
M2 1949 c. 67.
M3 1867 c. 114.
M4 1894 c. 60.
M5 1949 c. 67.
M6 1877 c. 57.
M7 1897 c. 17.

Admiralty jurisdiction of Belfast county court

2 **F1**

Textual Amendments

- F1** Para. 2 repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 123\(2\), Sch. 7](#)

Mode of exercise of Admiralty jurisdiction

- 3 (1) Subject to the provisions of the next following paragraph, the Admiralty jurisdiction of the High Court . . . ^{F2} may in all cases be invoked by an action in personam.
- (2) The Admiralty jurisdiction of the High Court may in the cases mentioned in paragraphs (a) to (c) and (s) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule be invoked by an action in rem against the ship or property in question.
- (3) In any case in which there is a maritime lien or other charge on any ship, aircraft or other property for the amount claimed, the Admiralty jurisdiction of the High Court . . . ^{F2} may be invoked by an action in rem against that ship, aircraft or property.

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- (4) In the case of any such claim as is mentioned in paragraphs (d) to (r) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule being a claim arising in connection with a ship, where the person who would be liable on the claim in an action in personam was, when the cause of action arose, the owner or charterer of, or in possession or control of, the ship, the Admiralty jurisdiction of the High Court . . . ^{F2} may (whether the claim gives rise to a maritime lien on the ship or not) be invoked by an action in rem against—
- (a) that ship, if at the time when the action is brought, it is beneficially owned as respects all the shares therein by that person; or
 - (b) any other ship which at the time when the action is brought, is beneficially owned as aforesaid.
- (5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, the Admiralty jurisdiction of the High Court . . . ^{F2} may be invoked by an action in rem against that aircraft if at the time when the action is brought it is beneficially owned by the person who would be liable on the claim in an action in personam.
- (6) Notwithstanding anything in the preceding provisions of this paragraph, the Admiralty jurisdiction of the High Court . . . ^{F2} shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (o) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule unless the claim relates wholly or partly to wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages).
- (7) Where, in the exercise of its Admiralty jurisdiction, the High Court . . . ^{F2} court orders any ship, aircraft or other property to be sold, the court shall have jurisdiction to hear and determine any question arising as to the title to the proceeds of sale.
- (8) In determining for the purposes of sub-paragraphs (4) and (5) of this paragraph whether a person would be liable on a claim in an action in personam it shall be assumed that he has his habitual residence or a place of business in Northern Ireland.

Textual Amendments

F2 Words repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 123\(2\)](#), [Sch. 7](#)

Jurisdiction in personam of courts in collision and other similar cases

- 4 (1) No court in Northern Ireland shall entertain an action in personam to enforce a claim to which this paragraph applies unless—
- (a) the defendant has his habitual residence or a place of business within Northern Ireland; or
 - (b) the cause of action arose within inland waters of Northern Ireland or within the limits of a port of Northern Ireland; or
 - (c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court.

In this sub-paragraph—

“inland waters” includes any part of the sea adjacent to the coast of the United Kingdom certified by the Secretary of State to be waters falling by

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international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters;

“port” means any port, harbour, river, estuary, haven, dock, canal or other place so long as a person or body of persons is empowered by or under an Act to make charges in respect of ships entering it or using the facilities therein, and “limits of a port” means the limits thereof as fixed by or under the Act in question or, as the case may be, by the relevant charter or custom;

“charges” means any charges with the exception of light dues, local light dues and any other charges in respect of lighthouses, buoys or beacons and of charges in respect of pilotage.

- (2) No court in Northern Ireland shall entertain an action in personam to enforce a claim to which this paragraph applies until any proceedings previously brought by the plaintiff in any court outside Northern Ireland against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.
- (3) The preceding provisions of this paragraph shall apply to counter claims (not being counter-claims in proceedings arising out of the same incident or series of incidents) as they apply to actions in personam, but as if the references to the plaintiff and the defendant were respectively references to the plaintiff on the counter-claim and the defendant to the counter-claim.
- (4) The preceding provisions of this paragraph shall not apply to any action or counter-claim if the defendant thereto submits or has agreed to submit to the jurisdiction of the court.
- (5) Subject to the provisions of sub-paragraph (2) of this paragraph, the High Court shall have jurisdiction to entertain an action in personam to enforce a claim to which this paragraph applies whenever any of the conditions specified in paragraphs (a) to (c) of sub-paragraph (1) of this paragraph are satisfied, and the rules of court relating to the service of process outside the jurisdiction shall make such provision as may appear to the rule-making authority to be appropriate having regard to the provisions of this sub-paragraph.
- (6) Nothing in this paragraph shall prevent an action or counter-claim which is brought in accordance with the provisions of this paragraph in the High Court or any other court in Northern Ireland being transferred, in accordance with the enactments in that behalf, to some other court in Northern Ireland.
- (7) The claims to which this paragraph applies are claims for damage, loss of life or personal injury arising out of a collision between ships or out of the carrying out of or omission to carry out a manoeuvre in the case of one or more of two or more ships or out of non-compliance, on the part of one or more of two or more ships, with the collision regulations.
- (8) For the avoidance of doubt it is hereby declared that this paragraph applies in relation to the jurisdiction of any court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

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[^{F3}Bail in Admiralty matters]

Textual Amendments

F3 Para. 4A inserted by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\), s. 123\(2\), Sch. 5](#)

- 4A In any proceedings in the High Court under this Part of this Schedule, bail may be taken to answer the judgment of the High Court (or of the Court of Appeal or House of Lords on an appeal from that judgment) and the High Court may withhold the release of any property under its arrest until such bail has been given.

Wages

- 5 (1) Section one hundred and sixty-five of the Merchant Shipping Act, 1894 (which imposes restrictions on suits for wages), is hereby repealed.
- (2) Nothing in this Part of this Schedule shall be construed as limiting the jurisdiction of the court to refuse to entertain an action for wages by the master or a member of the crew of a ship not being a British ship.

Modifications etc. (not altering text)

C3 The text of s. 56(4), Sch. 1 para. 5(1) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Courts in Northern Ireland not to have jurisdiction in cases falling within Rhine Convention

- 6 No court in Northern Ireland shall have jurisdiction to determine any claim or question certified by the Secretary of State to be a claim or question which, under the Rhine Navigation Convention, falls to be determined in accordance with the provisions thereof and any proceedings to enforce such a claim which are commenced in any such court shall be set aside.

Repeals and savings

- 7 (1) Section six hundred and eighty-eight of the ^{M8}Merchant Shipping Act 1894, the ^{M9}Shipowners' Negligence (Remedies) Act 1905, and the ^{M10}Merchant Shipping (Stevedores and Trimmers) Act 1911 (which relate to the detention of ships by customs officers in certain cases), and so much of subsection (2) of section forty-six of the ^{M11}Diseases of Animals Act 1894, as enables a local authority to recover expenses in burying or destroying carcasses in the same manner as salvage is recoverable, shall cease to have effect, but nothing in this Part of this Schedule affects the provisions of section five hundred and fifty-two of the ^{M12}Merchant Shipping Act 1894 (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).
- (2) Nothing in this Part of this Schedule shall authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty's

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ships or Her Majesty’s aircraft, or of any cargo or other property belonging to the Crown.

In this sub-paragraph “Her Majesty’s ships” and “Her Majesty’s aircraft” have the meanings assigned to them by subsection (2) of section thirty-eight of the ^{M13}Crown Proceedings Act 1947.

(3) F4

Textual Amendments

F4 Sch. 1 para. 7(3) repealed by Statute Law Revision Act 1963 (c. 30)

Marginal Citations

- M8 1894 c. 60.
- M9 1905 c. 10.
- M10 1911 c. 41.
- M11 1894 c. 57.
- M12 1894 c. 60.
- M13 1947 c. 44.

Interpretation

- 8 (1) In this Part of this Schedule, unless the context otherwise requires—
- “Act” includes an Act of the Parliament of Northern Ireland, and “enactment” shall be construed accordingly;
 - “collision regulations” [^{F5}means regulations for the prevention of collisions made under section 21 of the Merchant Shipping Act 1979.], or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of [^{F5}the Merchant Shipping Act 1894], or any rules made under subsection (2) of the said section four hundred and twenty-one;
 - “goods” includes baggage;
 - “master” has the same meaning as in the ^{M14}Merchant Shipping Act 1894, and accordingly includes every person (except a pilot) having command or charge of a ship;
 - “ship” includes any description of vessel used in navigation;
 - “towage” and “pilotage”, in relation to an aircraft, means towage and pilotage while the aircraft is waterborne;
 - “the Rhine Navigation Convention” means the Convention of the seventh of October, eighteen hundred and sixty-eight, as revised by any subsequent Convention.
- (2) Any reference in this Part of this Schedule to any enactment shall be construed as a reference to that enactment as it has effect in Northern Ireland.

Textual Amendments

F5 Words substituted by S.I. 1983/708, Sch. 2 Pt. I

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Modifications etc. (not altering text)

- C4** Reference to an Act of the Parliament of Northern Ireland to be construed as including reference to a Measure of the Northern Ireland Assembly: [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 5 para. 1](#)

Marginal Citations

- M14** 1894 c. 60.

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