

Changes to legislation: There are currently no known outstanding effects for the Administration of Justice Act 1956, Cross Heading: Admiralty Jurisdiction of the High Court. (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) ^{F1} . . . any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the ^{M1}Civil Aviation Act 1949, of the law relating to salvage to aircraft and their apparel and cargo);
 - (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;

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- (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 [^{F2}Merchant Shipping Act 1995], 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 ^{M2}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 ^{F3}. . . any Order in Council made under section fifty-one of the ^{M3}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;

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 [^{F4}Merchant Shipping Act 1995].

- (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 ^{M4}Supreme Court of

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Judicature Act (Ireland) 1877, and section six of the ^{M5}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.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1)(j) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F2** Words in Sch. 1 para. 1(1)(o) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 29(4)(a)(i)** (with s. 312(1))
- F3** Words in Sch. 1 para. 1(3) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch. 12** (with s. 312(1), Sch. 14 para. 1)
- F4** Words in Sch. 1 para. 1(4) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 29(4)(a)(ii)** (with s. 312(1))

Modifications etc. (not altering text)

- C1** 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)**.
Sch. 1 para. 1(1)(d) extended (*temp.* 1.1.1996 to 30.5.1996) by 1995 c. 21, ss. 166(1), 171(1), 316(2), **Sch. 4** (with ss. 167(1), 169, 312(1)); S.I. 1996/1210, **art. 2**.
Sch. 1 para. 1(1)(d) extended (*temp.* 1.1.1996 to 30.5.1996) by 1995 c. 21, ss. 177(1), 182(1), 316(2), **Sch. 4** (with s. 312(1)); S.I. 1996/1210, **art. 2**.
Sch. 1 para. 1(1)(d) extended (30.5.1996) by 1995 c. 21, **ss. 166(1)**, 171(1) (with ss. 167(1), 169, 312(1)); S.I. 1996/1210, **art. 2**.
Sch. 1 para. 1(1)(d) extended (30.5.1996) by 1995 c. 21, **ss. 177(1)**, 182(1) (with s. 312(1)); S.I. 1996/1210, **art. 2**.

Marginal Citations

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

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