

**Changes to legislation:** There are currently no known outstanding effects for the Administration of Justice Act 1956, Cross Heading: Mode of exercise of Admiralty jurisdiction. (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)

##### *Mode of exercise of Admiralty jurisdiction*

- 3 (1) Subject to the provisions of the next following paragraph, the Admiralty jurisdiction of the High Court . . . <sup>F1</sup> 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 . . . <sup>F1</sup> may be invoked by an action in rem against that ship, aircraft or property.
- (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 . . . <sup>F1</sup> 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 . . . <sup>F1</sup> 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 . . . <sup>F1</sup> shall not be invoked by an action in rem in the case of any such claim as is mentioned in paragraph (o) of sub-

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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 . . . <sup>F1</sup> 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.

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**Textual Amendments**

**F1** Words repealed by [Judicature \(Northern Ireland\) Act 1978 \(c. 23\)](#), s. 123(2), [Sch. 7](#)

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