



# County Courts Act 1984

## 1984 CHAPTER 28

### PART II **E+W**

#### JURISDICTION AND TRANSFER OF PROCEEDINGS

##### *Admiralty proceedings*

#### 26 **Districts for Admiralty purposes.** **E+W**

- (1) If at any time it appears expedient to the Lord Chancellor that any county court should have Admiralty jurisdiction, it shall be lawful for him, by order—
  - (a) to appoint that court to have, as from such date as may be specified in the order, such Admiralty jurisdiction as is provided in this Act; and
  - (b) to assign to that court as its district for Admiralty purposes any part or parts of any county court district or of two or more county court districts.
- (2) Where a district has been so assigned to a court as its district for Admiralty purposes, the parts of the sea (if any) adjacent to that district to a distance of 3 miles from the shore thereof shall be deemed to be included in that district, and the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if it were the district for the court for all purposes.
- (3) Where an order is made under this section for the discontinuance of the Admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for Admiralty purposes, provision may be made in the order with respect to any Admiralty proceedings commenced in that court before the order comes into operation.
- (4) The power to make orders under this section shall be exercisable by statutory instrument.

*Status: Point in time view as at 01/01/1996.*

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## 27 Admiralty jurisdiction. **E+W**

(1) Subject to the limitations of amount specified in subsection (2), an Admiralty county court shall have the following Admiralty jurisdiction, that is to say, jurisdiction to hear and determine—

- (a) any claim for damage received by a ship;
- (b) any claim for damage done by a ship;
- (c) 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 in consequence of the wrongful act neglect or default of—
  - (i) the owners, charterers or persons in possession or control of a ship; or
  - (ii) the master or crew of a ship, or 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;

- (d) any claim for loss of or damage to goods carried in a ship;
- (e) 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;
- [<sup>F1</sup>(f) any claim—
  - (i) under the Salvage Convention 1989;
  - (ii) under any contract for or in relation to salvage services; or
  - (iii) in the nature of salvage not falling within (i) or (ii) above;
 or any corresponding claim in connection with an aircraft;]
- (g) any claim in the nature of towage in respect of a ship or an aircraft;
- (h) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (j) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (k) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;
- (l) any claim by a master or member of the crew of a ship for wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);
- (m) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship.

(2) The limitations of amount referred to in subsection (1) are that the court shall not have jurisdiction to hear and determine—

- (a) a claim [<sup>F2</sup>falling within paragraph (f) of that subsection] where the value of the property saved exceeds £15,000; or
- (b) any other claim mentioned in that subsection for an amount exceeding £5,000.

[<sup>F3</sup>(3) In subsection (1)(f)—

- (a) the “Salvage Convention 1989” means the International Convention on Salvage, 1989 as it has effect under [<sup>F4</sup>section 224 of the Merchant Shipping Act 1995];
- (b) the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim under any contract for or in relation to

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- salvage services includes any claim arising out of such a contract whether or not arising during the provision of the services;
- (c) the reference to a corresponding claim in connection with an aircraft is a reference to any claim corresponding to any claim mentioned in subparagraph (i) or (ii) of paragraph (f) which is available under section 87 of the Civil Aviation Act 1982.
- (4) Subject to subsection (5), subsections (1) to (3) 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, and
- (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).
- (5) Nothing in subsection (4) shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the [F5Merchant Shipping Acts 1995].
- (6) If, as regards any proceedings as to any such claim as is mentioned in subsection (1), the parties agree, by a memorandum signed by them or by their respective [F6legal representatives] or agents, that a particular county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in subsection (2) or in county court rules for prescribing the courts in which proceedings shall be brought, have jurisdiction to hear and determine the proceedings accordingly.
- (7) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of section 15 or 17.
- (8) Nothing in this section, or in section 26 or in any order made under that section, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts 1864 to 1916.
- (9) No county court 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 of that Convention; and any proceedings to enforce such a claim which are commenced in a county court shall be set aside.
- (10) In subsection (9) “the Rhine Navigation Convention” means the Convention of the 7th October 1868 as revised by any subsequent Convention.

F7(11) . . . . .

#### Textual Amendments

- F1** S. 27(1)(f) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(2)**; S.I. 1994/2971, art. 2, **Sch.**
- F2** Words in s. 27(2) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(3)**; S.I. 1994/2971, art. 2, **Sch.**
- F3** S. 27(3) substituted (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 7(4)**; S.I. 1994/2971, art. 2, **Sch.**
- F4** Words in s. 27(3)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(2)(a)**.
- F5** Words in s. 27(5) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(2)(b)**
- F6** Words in s. 27(6) substituted (1.4.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(3), **Sch. 18 para. 49(3)**; S.I. 1991/608, art. 2, **Sch.**
- F7** S. 27(11) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), 316(2), **Sch.12**

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## 28 Mode of exercise of Admiralty jurisdiction. E+W

- (1) The following provisions of this section shall apply to cases within the Admiralty jurisdiction of a county court.
- (2) Subject to the following provisions of this Part of this Act, an action in personam may be brought in all such cases.
- (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, an action in rem may be brought in a county court against that ship, aircraft or property.
- (4) In the case of any such claim as is mentioned in paragraphs (b) to (m) of section 27(1), where—
  - (a) the claim arises in connection with a ship; and
  - (b) the person who would be liable on the claim in an action in personam (“the relevant person”) was, when the cause of action arose, the owner or charterer of, or in possession of or in control of, the ship,
 an action in rem may (whether or not the claim gives rise to a maritime lien on that ship) be brought in a county court against—
  - (i) that ship if at the time when the action is brought the relevant person is either the beneficial owner of that ship as respects all the shares in it or the charterer of it under a charter by demise; or
  - (ii) any other ship of which, at the time when the action is brought, the relevant person is the beneficial owner as respects all the shares in it.
- (5) In the case of a claim in the nature of towage or pilotage in respect of an aircraft, an action in rem may be brought in a county court 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) Where, in the exercise of its Admiralty jurisdiction, a county 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.
- (7) In determining for the purposes of subsections (4) and (5) 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 within England or Wales.
- (8) Where, as regards any such claim as is mentioned in section 27(1)(b) to (m), a ship has been served with a summons or arrested in an action in rem brought to enforce that claim, no other ship may be served with a summons or arrested in that or any other action in rem brought to enforce that claim; but this subsection does not prevent the issue, in respect of any one such claim, of a summons naming more than one ship or of two or more summonses each naming a different ship.
- (9) A county court may issue a warrant for the arrest and detention of any vessel, aircraft or property to which an action in rem brought in the court relates unless or until bail to the amount of the claim made in the action and the reasonable costs of the plaintiff in the action be entered into and perfected by or on behalf of the defendant.
- (10) Except as provided by subsection (9), no vessel, aircraft or property shall be arrested or detained in Admiralty proceedings in a county court otherwise than in execution.
- (11) Where—

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- (a) a vessel, aircraft or other property would or might be sold under an execution to enforce a judgment or order given or made by a county court in Admiralty proceedings; and
- (b) the owner of the vessel, aircraft or property desires that the sale should be conducted in the High Court instead of in the county court,

he shall be entitled, on giving security for costs, and subject to such other provisions as may be prescribed, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks fit) the transfer of any subsequent proceedings to the High Court.

- (12) On an appeal by a party to any Admiralty proceedings, the Court of Appeal, if it appears to it expedient that any sale ordered to be made of the vessel, aircraft or other property to which the proceedings relate should be conducted in the High Court instead of in the county court, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings, to the High Court.
- (13) Where an action is transferred to a county court under section 40, any vessel, aircraft or other property which has been arrested in the action before the transfer shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders, made by the county court with respect to that vessel, aircraft or property.

<sup>F8</sup>29 ..... **E+W**

**Textual Amendments**  
**F8** S. 29 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364](#), [art. 2](#), Sch.

**30 Restrictions on entertainment of actions in personam in collision and other similar cases. **E+W****

- (1) The claims to which this section applies are claims for damage, loss of life or personal injury arising—
  - (a) out of a collision between ships;
  - (b) 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
  - (c) out of the non-compliance, on the part of one or more of two or more ships [<sup>F9</sup>with safety regulations under section 85 of the Merchant Shipping Act 1995]
- (2) No county court shall entertain an action in personam to enforce a claim to which this section applies unless—
  - (a) the defendant has his habitual residence or a place of business within England and Wales; or
  - (b) the cause of action arose within inland waters of England and Wales or within the limits of a port of England and Wales; 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.

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(3) In subsection (2)—

“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 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; and

“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 in it, 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.

(4) No county court shall entertain an action in personam to enforce a claim to which this section applies until any proceedings previously brought by the plaintiff in any court outside England and Wales against the same defendant in respect of the same incident or series of incidents have been discontinued or otherwise come to an end.

(5) Subsections (1) to (4) shall apply to counterclaims (except counterclaims 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 counterclaim and the defendant to the counterclaim.

(6) Subsections (1) to (5) shall not apply to any action or counterclaim if the defendant submits or has agreed to submit to the jurisdiction of the court.

(7) Nothing in this section shall prevent an action or counterclaim which is brought in accordance with the provisions of this section in a county court being transferred, in accordance with the enactments in that behalf, to some other court (whether a county court or not).

(8) This section applies in relation to the jurisdiction of any county court not being Admiralty jurisdiction, as well as in relation to its Admiralty jurisdiction, if any.

**Textual Amendments**

**F9** Words in s. 30(1)(c) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(3)**

**31 Admiralty—interpretation. E+W**

(1) In the provisions of this Part of this Act relating to Admiralty proceedings, unless the context otherwise requires,—

“goods” includes baggage;

“master” has the same meaning as in the [<sup>F10</sup>Merchant Shipping Act 1995], and accordingly includes every person (except a pilot) having command or charge of a ship;

“towage” and “pilotage”, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

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- (2) Nothing in those provisions shall—
- (a) be construed as limiting the jurisdiction of a county 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;
  - (b) affect section [F11226 of the Merchant Shipping Act 1995] (power of receiver of wreck to detain a ship in respect of a salvage claim);
  - (c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty’s ships or Her Majesty’s aircraft, or of any cargo or other property belonging to the Crown.
- (3) In subsection (2) “Her Majesty’s ships” and “Her Majesty’s aircraft” have the meanings given by section 38(2) of the M1Crown Proceedings Act 1947.

**Textual Amendments**

**F10** Words in s. 31(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(4)(a)**

**F11** Words in s. 31(2)(b) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 72(4)(b)**

**Marginal Citations**

**M1** 1947 c. 44.

**Status:**

Point in time view as at 01/01/1996.

**Changes to legislation:**

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