



# Administration of Justice Act 1956

1956 CHAPTER 46 4 and 5 Eliz 2

An Act to amend the law relating to Admiralty jurisdiction, legal proceedings in connection with ships and aircraft and the arrest of ships and other property, to make further provision as to the appointment, tenure of office, powers and qualifications of certain judges and officers, to make certain other amendments of the law relating to the Supreme Court and the county courts and of the law relating to the enforcement of certain judgments, orders and decrees, to enable certain funds in court in the Lancashire Chancery Court to be transferred to the official trustees of charitable funds or the Church Commissioners, and for purposes connected with the matters aforesaid. [5th July 1956]

## Commencement Information

**II** Act partly in force at Royal Assent see [s. 57\(4\)](#); Act wholly in force at 1.10.1957

## PART I

### ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

1—20. .... <sup>F1</sup>

## Textual Amendments

**F1** [S. 1–20](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), [s. 152\(4\)](#), [Sch. 7](#)

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**PART III**

COUNTY COURTS

*Appointment, etc., of judges and officers*

**21** ..... F2

**Textual Amendments**

**F2** S. 21 repealed (with savings) by County Courts Act 1959 (c. 22), Sch. 3

**22—24** ..... F3

**Textual Amendments**

**F3** Ss. 22–24, 26–30, 32 repealed by Court Act 1959 (c. 22), s. 204, Sch. 3

**25** ..... F4

**Textual Amendments**

**F4** S. 25 repealed by Judicial Pensions Act 1981 (c. 20, SIF 71:2), s. 36, Sch. 4

**26—** ..... F5  
**30.**

**Textual Amendments**

**F5** Ss. 22–24, 26–30, 32 repealed by Court Act 1959 (c. 22), s. 204, Sch. 3

**31**  
(1) ..... F6  
(2) ..... F7  
(3) ..... F6

**Textual Amendments**

**F6** S. 31(1)(3)(4) repealed by County Courts Act 1959 (c. 22), Sch. 3

**F7** S. 31(2) repealed by Matrimonial Causes Act 1965 (c. 73), s. 45, Sch. 2

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**32** ..... F8

**Textual Amendments**

**F8** Ss. 22–24, 26–30, 32 repealed by Court Act 1959 (c. 22), s. 204, **Sch. 3**

**33 Interpretation and citation of Part III.**

- (1) In this Part of this Act, except in so far as the context otherwise requires, expressions used in the principal Act have the same meanings as in that Act.
- (2) In this Part of this Act the expression “the principal Act” means the County Courts Act<sup>M1</sup> 1934.
- (3) ..... F9

**Textual Amendments**

**F9** S. 33(3) repealed by County Courts Act 1959 (c. 22), **Sch. 3**

**Marginal Citations**

**M1** 1934 c. 53.

**PART IV**

GENERAL PROVISIONS AS TO ENFORCEMENT OF JUDGEMENTS AND ORDERS

**34** ..... F10

**Textual Amendments**

**F10** S. 34 repealed by Supreme Court Act 1981 (c. 54, SIF 37), ss. 152(4), 153(2), **Sch. 7**

**35** ..... F11

**Textual Amendments**

**F11** S. 35 repealed by Charging Orders Act 1979 (c. 53, SIF 45:1), s. 7(2)

**36 Receivers.**

..... F12

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**Textual Amendments**

**F12** S. 36 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 153(2)

<sup>F13</sup>37 .....

**Textual Amendments**

**F13** S. 37 repealed (1.7.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76\)](#), s. 125(7), [Sch. 20](#); [S.I. 1991/1364, art. 2, Sch.](#)

38 ..... <sup>F14</sup>

**Textual Amendments**

**F14** S. 38 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 153(2)

39 ..... <sup>F15</sup>

**Textual Amendments**

**F15** Ss. 37(4), 39, 41 repealed by [County Courts Act 1959 \(c. 22\)](#), [Sch. 3](#)

**40 Effect of registration of judgments of courts outside England and Wales.**

Section five of the <sup>M2</sup>Debtors Act 1869, as amended by any subsequent enactment, and . . . <sup>F16</sup>, as so amended, shall have effect as if—

- (a) any judgment of the High Court of Northern Ireland or decret of the Court of Session a certificate of which has been registered in the High Court under section one or section three of the <sup>M3</sup>Judgments Extension Act 1868; and
- (b) any judgment, as defined in Part II of the Administration of <sup>M4</sup>Justice Act 1920, which has been registered in the High Court under the said Part II; and
- (c) any judgment, as defined in the Inferior Courts Judgments <sup>M5</sup>Extension Act 1882, a certificate of which has been registered in the High Court or in a county court under that Act,

were a judgment of the High Court or, as the case may be, of that county court, and proceedings may be taken under [<sup>F17</sup>the said Act of 1869] accordingly.

**Textual Amendments**

**F16** Words repealed by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 8 para. 11\(a\)](#), Sch. 10 Pt. III

**F17** Words substituted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, [Sch. 8 para. 11\(b\)](#)

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#### Marginal Citations

- M2 1869 c. 62.
- M3 1868 c. 54.
- M4 1920 c. 81.
- M5 1882 c. 31.

41 ..... F18

#### Textual Amendments

- F18 Ss. 37(4), 39, 41 repealed by County Courts Act 1959 (c. 22), Sch. 3

42— ..... F19  
44.

#### Textual Amendments

- F19 Ss. 42–44 repealed by Supreme Court Act 1981 (c. 54, SIF 37), s. 153(2)

## PART V

### ADMIRALTY JURISDICTION AND ARRESTMENT OF SHIPS IN SCOTLAND

#### Modifications etc. (not altering text)

- C1 Part V extended, with modifications, by Hovercraft Act 1968 (c. 59), s. 2

#### 45 Jurisdiction in relation to collisions, etc.

- (1) Subject to the provisions of this Part of this Act, any court having Admiralty jurisdiction shall have jurisdiction to entertain, as against any defender, an action to which this section applies if, but only if,—
  - (a) the defender has his habitual residence or a place of business in the area for which the court acts, or
  - (b) the cause of action arose in the area for which the court acts and either within inland waters or within the limits of a port, 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 by the court, or
  - (d) the defender has prorogated the jurisdiction of the court, or
  - (e) a ship in which the defender owns one or more shares has been arrested (whether ad fundandam jurisdictionem or on the dependence of the action) within the area for which the court acts.
- (2) Where an action to which this section applies is raised in a court having jurisdiction by virtue only of one or more of the provisions of the preceding subsection other than paragraph (d) thereof, and it appears to the court that cognate proceedings are

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depending in a competent court outside Scotland, the first mentioned court shall sist the action if so moved by any party thereto, and shall not recall the sist until satisfied that the cognate proceedings have been discontinued or have otherwise come to an end:

Provided that nothing in this subsection shall prevent the first mentioned court from entertaining any application as to diligence in the action.

In this subsection “cognate proceedings”, in relation to any action, means proceedings instituted, before the granting of warrant for service in the action, by the pursuer in the action against any other party to the action, being proceedings in respect of the same incident or series of incidents as those with which the action is concerned.

- (3) This section applies to actions for payment of reparation arising out of one or more of the following incidents, that is to say—
- (a) any collision between ships, or
  - (b) the carrying out of, or the omission to carry out, a manoeuvre in the case of one or more of two or more ships, or
  - (c) the non-compliance, on the part of one or more of two or more ships, with the collision regulations.

- (4) In this section—

“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;

“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 or charter 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.

- (5) For the avoidance of doubt it is hereby declared that any reference in this section to an action for payment of reparation does not include a reference to an action to make good a lien.
- (6) Section six of the <sup>M6</sup>Sheriff Courts (Scotland) Act 1907 (as amended by any subsequent enactment), shall cease to have effect in relation to actions to which this section applies.

**Marginal Citations**

M6 1907 c. 51.

**46 Exclusion of jurisdiction in cases falling within Rhine Convention.**

No 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 thereof.

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In this section “the Rhine Navigation Convention” means the Convention of the seventh of October, eighteen hundred and sixty-eight, as revised by any subsequent Convention.

#### **47 Arrest of ships on the dependence of an action or in rem.**

- (1) Subject to the provisions of this section and section fifty of this Act, no warrant issued after the commencement of this Part of this Act for the arrest of property on the dependence of an action or in rem shall have effect as authority for the detention of a ship unless the conclusion in respect of which it is issued is appropriate for the enforcement of a claim to which this section applies, and, in the case of a warrant to arrest on the dependence of an action, unless either—
- (a) the ship is the ship with which the action is concerned, or
  - (b) all the shares in the ship are owned by the defender against whom that conclusion is directed.
- (2) This section applies to any claim arising out of one or more of the following, that is to say—
- (a) damage done or received by any ship;
  - (b) 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, unloading 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;
  - [<sup>F20</sup>(c) the Salvage Convention, 1989;
  - (ca) any contract for or in relation to salvage services;]
  - (d) any agreement relating to the use or hire of any ship whether by charterparty or otherwise;
  - (e) any agreement relating to the carriage of goods in any ship whether by charterparty or otherwise;
  - (f) loss of, or damage to, goods carried in any ship;
  - (g) general average;
  - (h) any bottomry bond;
  - (i) towage;
  - (j) pilotage;
  - (k) the supply of goods or materials to a ship for her operation or maintenance;
  - (l) the construction, repair or equipment of any ship;
  - (m) liability for dock charges or dues;
  - (n) liability for payment of wages <sup>F21</sup> . . . of a master or member of the crew of a ship;
  - (o) master’s disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;
  - (p) any dispute as to the ownership or right to possession of any ship or as to the ownership of any share in a ship;

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- (q) any dispute between co-owners of any ship as to the ownership, possession, employment or earnings of that ship;
  - (r) the mortgage or hypothecation of any ship or any share in a ship;
  - (s) any forfeiture or condemnation of any ship, or of goods which are being, or have been, carried, or have been attempted to be carried, in any ship, or for the restoration of a ship or any such goods after seizure.
- (3) In any proceedings having a conclusion appropriate for the enforcement of any claim such as is mentioned in paragraphs (p) to (s) of the last preceding subsection a warrant may be issued—
- (a) if the conclusion is a pecuniary conclusion, for the arrest of the ship on the dependence of the action; or
  - (b) in any other case (whether or not the claimant is entitled to a lien over the ship), for the arrest of the ship in rem;
- but there shall not be issued in respect of any such conclusion as aforesaid (whether pecuniary or otherwise) a warrant to arrest, either in rem or on the dependence of the action, any ship other than the ship to which the conclusion relates.
- (4) Subject to the preceding subsection, nothing in this section shall be taken to authorise—
- (a) the use of an arrestment on the dependence of an action otherwise than in respect of a pecuniary conclusion, or
  - (b) the use of an arrestment in rem otherwise than in respect of a conclusion appropriate for the making good of a lien.
- (5) A warrant for the arrest of a ship in rem issued by virtue of paragraph (b) of subsection (3) of this section in a case where the person in whose favour it is issued is not entitled to a lien over the ship shall have effect as authority for the detention of the ship as security for the implementation of the decree of the court so far as it affects that ship:

Provided that the court may, on the application of any person having an interest, recall the arrestment if satisfied that sufficient bail or other security for such implementation has been found.

- (6) Nothing in this section shall authorise the arrest, whether on the dependence of an action or in rem, of a ship while it is on passage.
- (7) Nothing in this section shall authorise the arrest, whether on the dependence of an action or in rem, of a ship 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.

In this subsection “Her Majesty’s ships” and “Her Majesty’s aircraft” have the meanings assigned to them by subsection (2) of section thirty-eight of the <sup>M7</sup>Crown Proceedings Act 1947.

(8) ..... F22

[<sup>F23</sup>(8) In—

- (a) paragraph (c) of subsection (2) above, the “Salvage Convention, 1989” means the International Convention on Salvage 1989 as it has effect under [<sup>F24</sup>section 224 of the Merchant Shipping Act 1995];
- (b) paragraph (ca) of that subsection, the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim



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arising out of any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of such services,

and the claims mentioned in subsections (2)(c) and (ca) shall be construed as including claims available by virtue of section 87 of the Civil Aviation Act 1982.

#### Textual Amendments

- F20** S. 47(2)(c)(ca) substituted (1.1.1995) for s. 47(2)(c) by 1994 c. 28, s. 1(6), **Sch. 2 para. 4(2)(a)**; S.I. 1994/2971, art. 2, **Sch.**
- F21** Words in s. 47(2)(n) repealed (1.1.1996) by 1995 c. 21, ss. 314(1)(2), 316(2), Sch. 12, **Sch. 13 para. 29(2)(a)** (with s. 312(1), Sch. 14 para. 1)
- F22** S. 47(8) repealed by Statute Law Revision Act 1963 (c. 30)
- F23** S. 47(8) added (1.1.1995) by 1994 c. 28, s. 1(6), **Sch. 2 para. 4(2)(b)**; S.I. 1994/2971, art. 2, **Sch.**
- F24** Words in s. 47(8)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 29(2)(a)** (with s. 312(1))

#### Marginal Citations

- M7** 1947 c. 44.

VALID FROM 01/07/2010

#### [<sup>F25</sup>47A Execution of warrant to arrest in rem and of order for sale

- (1) A warrant for the arrestment in rem of a ship, cargo or other maritime property granted by the sheriff may be executed—
- within the sheriffdom in which the warrant was granted; or
  - where the ship, cargo or other maritime property was situated within that sheriffdom when the warrant was granted, anywhere in Scotland.
- (2) For the avoidance of doubt, where a warrant for arrestment in rem granted by the sheriff has been executed, an order for the sale of the arrested ship, cargo or other maritime property may be made notwithstanding that it is not situated within the sheriffdom when the order is made.]

#### Textual Amendments

- F25** S. 47A inserted (1.7.2010) by Bankruptcy and Diligence etc. (Scotland) Act 2007 (asp 3), ss. 213, 227(3), **Sch. 4 para. 6** (with s. 223); S.S.I. 2010/249, **art. 2**

VALID FROM 01/07/2010

#### [<sup>F26</sup>47B Expenses

- (1) Subject to subsection (3) below, a pursuer shall be entitled to such expenses as are incurred—
- in obtaining warrant for the arrest of a ship, cargo or other maritime property on the dependence of an action; and

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- (b) in executing the arrestment.
- (2) Subject to subsection (4) below, a defender shall be entitled, where—
- (a) warrant for the arrest of a ship, cargo or other maritime property on the dependence of an action is granted; and
  - (b) the court is satisfied that the pursuer was acting unreasonably in applying for it,
- to such expenses as are incurred in opposing that warrant.
- (3) The court may modify or refuse such expenses as are mentioned in subsection (1) above if it is satisfied that—
- (a) the pursuer was acting unreasonably in applying for the warrant; or
  - (b) such modification or refusal is reasonable in all the circumstances and having regard to the outcome of the action.
- (4) The court may modify or refuse such expenses as are mentioned in subsection (2) above if it is satisfied as to the matter mentioned in subsection (3)(b) above.
- (5) Subject to subsections (1) to (4) above, the court may make such findings as it thinks fit in relation to such expenses as are mentioned in subsections (1) and (2) above.
- (6) Expenses incurred as mentioned in subsections (1)(a) and (2) above shall be expenses of process.
- (7) Subsections (1) to (4) above are without prejudice to any enactment or rule of law as to the recovery of expenses chargeable against a debtor as are incurred in executing an arrestment on the dependence of an action.
- (8) Where warrant is granted for the arrest of a ship in rem in proceedings to which section 47(3)(b) of this Act applies, the court may make such findings as it thinks fit in relation to expenses incurred—
- (a) in obtaining the warrant and, as the case may be, executing the arrestment;
  - (b) in opposing the application for the warrant.
- (9) For the avoidance of doubt, expenses incurred in applying for and executing the arrest of a ship, cargo or other maritime property in rem in respect of a conclusion appropriate for the making good of a maritime lien shall be expenses of process.]

#### Textual Amendments

**F26** S. 47B inserted (1.7.2010) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 213, 227(3), [Sch. 4 para. 8](#) (with s. 223); S.S.I. 2010/249, [art. 2](#)

VALID FROM 01/07/2010

#### [<sup>F27</sup> 47C Competence of arresting cargo

- (1) It is not competent to execute an arrestment of cargo unless the cargo is on board a ship when the arrestment is executed.

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(2) For the avoidance of doubt, it is competent to execute an arrestment of cargo where it is in the possession of the defender or of a person acting on behalf of the defender.

**Textual Amendments**

**F27** Ss. 47C, 47D inserted (1.7.2010) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 213, 227(3), [Sch. 4 para. 9](#) (with s. 223); S.S.I. 2010/249, [art. 2](#)

VALID FROM 01/07/2010

**47D Arrestment of cargo: restriction on movement of ship**

Where cargo is arrested, the ship is treated as if arrested until the cargo is unloaded.]

**Textual Amendments**

**F27** Ss. 47C, 47D inserted (1.7.2010) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), ss. 213, 227(3), [Sch. 4 para. 9](#) (with s. 223); S.S.I. 2010/249, [art. 2](#)

**48 Interpretation of Part V.**

In this Part of this Act, unless the context otherwise requires,—

- (a) references to an action, a pursuer and a defender include respectively references to a counter-claim, the person making a counter-claim and the person against whom a counter-claim is made;
- (b) any reference to a conclusion includes a reference to a crave, and “pecuniary conclusion” does not include a conclusion for expenses;
- (c) any reference to a warrant to arrest property includes a reference to letters of arrestment and to a precept of arrestment;
- (d) any reference to a lien includes a reference to any hypothec or charge; and
- <sup>F28</sup>(e) .....
- (f) the following expressions have the meanings hereby assigned to them respectively, that is to say—
  - “collision regulations” means [<sup>F29</sup>safety regulations under section 85 of the Merchant Shipping Act 1995];
  - “goods” includes baggage;
  - “master” has the same meaning as in the [<sup>F29</sup>Merchant Shipping Act 1995], and accordingly includes every person (except a pilot) having command or charge of a ship;
  - “ship” includes any description of vessel used in navigation not propelled by oars;
  - “towage” and “pilotage” in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

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**Textual Amendments**

- F28** S. 48(e) repealed (1.1.1995) by 1994 c. 28, ss. 1(6), 10(3), Sch. 2 para. 4(3), Sch. 4; S.I. 1994/2971, art. 2, Sch.
- F29** Words in s. 48(f) substituted (1.1.1996) by 1995 c. 21, s. 314(2), Sch. 13 para. 29(3) (with s. 312(1))

- 49** <sup>F30</sup>(1) .....
- (2) ..... <sup>F31</sup>

**Textual Amendments**

- F30** S. 49(1) repealed (1.1.1996) by 1995 c. 21, ss. 314(1), Sch. 12 (with s. 312(1), Sch. 14 para. 1)
- F31** S. 49(2) repealed by Animal Health Act 1981 (c. 22, SIF 4:4), s. 96(2), Sch. 6

**50 Application and commencement of Part V.**

- (1) This Part of this Act shall apply to Scotland only.
- (2) This Part of this Act shall come into operation on such day as the Secretary of State may appoint by order made by statutory instrument.
- (3) Nothing in this Part of this Act shall affect any action in respect of which warrant for service has been granted before the commencement of this Part of this Act.

**Modifications etc. (not altering text)**

- C2** 1.1.1957 appointed under s. 50(2) by S.I. 1956/2099 (1956 I, p. 558), art. 2

**PART VI**

MISCELLANEOUS AND SUPPLEMENTAL

**51 Modification of Foreign Judgments (Reciprocal Enforcement) Act 1933, in relation to certain parts of Her Majesty’s dominions.**

Where an Order in Council is made extending Part I of the <sup>M8</sup>Foreign Judgments (Reciprocal Enforcement) Act 1933 to a part of Her Majesty’s dominions or other territory to which Part II of the <sup>M9</sup>Administration of Justice Act 1920 extends, the said Part I shall, in relation to that part of Her Majesty’s dominions or other territory, have effect as if—

- (a) ..... <sup>F32</sup>
- (b) the fact that a judgment was given before the coming into operation of the Order did not prevent it from being a judgment to which the said Part I applies, but the time limited for the registration of a judgment were, in the case of a judgment so given, twelve months from the date of the judgment or such longer period as may be allowed by the High Court in England and Wales, the Court of Session in Scotland, or the High Court in Northern Ireland;

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- (c) any judgment registered in any of the said courts under the said Part II before the coming into operation of the Order had been registered in that court under the said Part I and anything done in relation thereto under the said Part II or any rules of court or other provisions applicable to the said Part II had been done under the said Part I or the corresponding rules of court or other provisions applicable to the said Part I.

**Textual Amendments**

**F32** S. 51(a) repealed by [Civil Jurisdiction and Judgments Act 1982 \(c. 27, SIF 45:3\)](#), s. 54, [Sch. 14](#)

**Modifications etc. (not altering text)**

**C3** S. 51 extended by [S.I. 1980/701, art. 7, Sch. para. 4\(1\)](#)

**Marginal Citations**

**M8** 1933 c. 13.

**M9** 1920 c. 81.

52 ..... **F33**

**Textual Amendments**

**F33** S. 52 repealed by [Courts 1971 \(c. 23\)](#), s. 56(4), [Sch. 11, Pts. II, IV](#)

53 ..... **F34**

**Textual Amendments**

**F34** S. 53 repealed by [Courts and Legal Services Act 1990 \(c. 41, SIF 37, 76:1\)](#), s. 125(2)(7), [Sch. 17 para. 3, Sch. 20](#)

54 ..... **F35**

**Textual Amendments**

**F35** S. 54, 56 repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**55 Provisions as to Northern Ireland.**

- (1) The provisions of Parts I and II of the First Schedule to this Act (being provisions corresponding respectively to Part I and section forty of this Act) shall apply to Northern Ireland, . . . <sup>F36</sup>
- (2) The provisions of the said Schedule shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument, and he may appoint different days for different purposes; but nothing in Part I of the said Schedule shall

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affect proceedings in respect of any cause of action arising before the coming into operation thereof.

- (3) Section fifty-one of this Act shall extend to Northern Ireland.
- (4) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.
- (5) Save as provided by this section this Act shall not extend to Northern Ireland.

#### Textual Amendments

**F36** Words repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

#### Modifications etc. (not altering text)

- C4** 1.3.1957 appointed under s. 55(2) by [S.I. 1957/306](#) (1957 II, p. 2466)
- C5** 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.

**56** ..... **F37**

#### Textual Amendments

**F37** [S. 54, 56](#) repealed by [Supreme Court Act 1981 \(c. 54, SIF 37\)](#), s. 152(4), [Sch. 7](#)

**57** †**Short title, repeal, extent and commencement.**

- (1) This Act may be cited as the Administration of Justice Act 1956.
- (2) ..... **F38**
- (3) This Act, except Part V and section fifty-one thereof, shall not extend to Scotland.
- (4) The provisions of this Act, other than Part V thereof, section fifty-five thereof and the First Schedule thereto, shall come into force on such day as the Lord Chancellor may appoint by order made by statutory instrument, and he may appoint different days for different purposes.

#### Textual Amendments

**F38** [S. 57\(2\)](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), s. 1, [Sch. Pt. XI](#)

#### Modifications etc. (not altering text)

- C6** Unreliable marginal note
- C7** Power of appointment conferred by s. 57(4) fully exercised
- C8** 16.7.1956 appointed under s. 57(4) for the purposes of ss. 25, 33 and 54 by [S.I. 1956/1065](#) (1956 II, p. 2332)

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## SCHEDULES

### FIRST SCHEDULE

#### PROVISIONS APPLICABLE TO NORTHERN IRELAND

#### PART I

#### ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

**Modifications etc. (not altering text)**

C9 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) <sup>F39</sup> . . . any claim in the nature of salvage (including any claim arising by virtue of the application, by or under section fifty-one of the <sup>M10</sup>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 [<sup>F40</sup>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 <sup>M11</sup>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 <sup>F41</sup> . . . any Order in Council made under section fifty-one of the <sup>M12</sup>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 [<sup>F42</sup>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 <sup>M13</sup>Supreme Court of



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Judicature Act (Ireland) 1877, and section six of the <sup>M14</sup>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

- F39** 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)
- F40** 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))
- F41** 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)
- F42** 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)

- C10** 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

- M10** 1949 c. 67.  
**M11** 1867 c. 114.  
**M12** 1949 c. 67.  
**M13** 1877 c. 57.  
**M14** 1897 c. 17.

### *Admiralty jurisdiction of Belfast county court*

2

F43

#### Textual Amendments

- F43** 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 . . . <sup>F44</sup> may in all cases be invoked by an action in personam.

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- (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>F44</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>F44</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>F44</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>F44</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-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>F44</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.

#### Textual Amendments

**F44** 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

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- (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 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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### *[<sup>F45</sup>Bail in Admiralty matters*

#### **Textual Amendments**

**F45** 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 [<sup>F46</sup>Supreme Court] 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.]

#### **Textual Amendments**

**F46** Words in Sch. 1 para. 4A substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), ss. 40(4), 148(1), Sch. 9 para. 8; S.I. 2009/1604, art. 2(d)

### *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)**

**C11** 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 <sup>M15</sup>Merchant Shipping Act 1894, the <sup>M16</sup>Shipowners' Negligence (Remedies) Act 1905, and the <sup>M17</sup>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 <sup>M18</sup>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 [<sup>F47</sup>226 of the Merchant Shipping Act 1995] (which relates to the power of a receiver of wreck to detain a ship in respect of a salvage claim).

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- (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 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 <sup>M19</sup>Crown Proceedings Act 1947.

- (3) ..... F48

#### Textual Amendments

**F47** Words in Sch. 1 para. 7(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 29(4) (b) (with s. 312(1))

**F48** Sch. 1 para. 7(3) repealed by Statute Law Revision Act 1963 (c. 30)

#### Marginal Citations

**M15** 1894 c. 60.

**M16** 1905 c. 10.

**M17** 1911 c. 41.

**M18** 1894 c. 57.

**M19** 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" [<sup>F49</sup>means regulations for the prevention of collisions made under [<sup>F50</sup>section 85 of the Merchant Shipping Act 1995]];
  - "goods" includes baggage;
  - "master" has the same meaning as in the [<sup>F50</sup>Merchant Shipping Act 1995], 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

**F49** Words substituted by S.I. 1983/708, Sch. 2 Pt. I

**F50** Words in Sch. 1 para. 8(1) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), Sch. 13 para. 29(4) (c) (with s. 312(1))

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#### Modifications etc. (not altering text)

- C12** 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](#)

## PART II

### EFFECT OF REGISTRATION OF JUDGMENTS OF COURTS OUTSIDE NORTHERN IRELAND

Where, whether before or after the passing of this Act,—

- (a) a certificate of a judgment of the High Court in England and Wales or of a decret of the Court of Session has been registered in the High Court in Northern Ireland under section one or section three of the <sup>M20</sup>Judgments Extension Act 1868; or
- (b) a judgment, as defined in Part II of the <sup>M21</sup>Administration of Justice Act 1920, has been registered in the High Court in Northern Ireland under the said Part II; or
- (c) a certificate of a judgment, as defined in the <sup>M22</sup>Inferior Courts Judgments Extension Act 1882, has been registered in the High Court in Northern Ireland or in any county court in Northern Ireland,

the like proceedings may be taken for the enforcement of the judgment or decret (whether by process of execution, or by proceedings for the committal of any person who makes default, or by the registration of an affidavit operating as a mortgage or by any other means) as might be taken under the law for the time being in force if the judgment or decret had been a judgment of the court in which the registration has taken place, and any enactments (including enactments of the Parliament of Northern Ireland) relating to the enforcement of judgments by any such means as aforesaid shall have effect accordingly.

#### Marginal Citations

**M20** 1868 c. 54.

**M21** 1920 c. 81.

**M22** 1882 c. 31.

#### Marginal Citations

**M20** 1868 c. 54.

**M21** 1920 c. 81.

**M22** 1882 c. 31.

## PART III..... F51

#### Textual Amendments

- F51** [Sch. 1 Pt. III](#) repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

SECOND SCHEDULE

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F52F52 SECOND SCHEDULE

**Textual Amendments**

**F52** Sch. 2 repealed by Statute Law (Repeals) Act 1974 (c. 22), Sch. Pt. XI

F52

**Status:**

Point in time view as at 01/10/2009. This version of this Act contains provisions that are not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Administration of Justice Act 1956.