

SCHEDULES

FIRST SCHEDULE

Section 55.

PROVISIONS APPLICABLE TO NORTHERN IRELAND

PART I

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

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 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 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;
 - (n) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;

Status: This is the original version (as it was originally enacted).

- (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 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 Merchant Shipping Act, 1894, or any Order in Council made under section fifty-one of the 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 Merchant Shipping Acts, 1894 to 1954.

- (5) The Admiralty jurisdiction of the High Court, as denned 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 Supreme Court of Judicature Act (Ireland) 1877, and section six of the Supreme Court of Judicature (Ireland)

Status: This is the original version (as it was originally enacted).

(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.

Admiralty jurisdiction of Belfast county court

- 2 (1) Subject to the limitations of amount specified in sub-paragraph (2) hereof, the local court (that is to say, the Court of the Recorder of Belfast) shall have the following Admiralty jurisdiction, that is to say, jurisdiction as respects any such claims as are mentioned in paragraphs (d) to (p) of sub-paragraph (1) of paragraph 1 of this Part of this Schedule, and sub-paragraphs (3) and (4) of that paragraph shall, with necessary modifications, have effect in relation to that court:

Provided that in applying the said sub-paragraph (1) for the purposes of this paragraph the saving in paragraph (J) of the said sub-paragraph (1) for section five hundred and forty-seven of the Merchant Shipping Act, 1894, shall be left out of account.

- (2) The limitations of amount referred to in sub-paragraph (1) of this paragraph are as follows, that is to say, that the local court shall not have jurisdiction by virtue of this paragraph to hear and determine any claim for an amount exceeding one thousand pounds except in the case of a claim in the nature of salvage where the value of the property saved does not exceed three thousand five hundred pounds.
- (3) Admiralty proceedings may be commenced in the local court if, and only if, either—
- (a) in the case of an action in rem or in personam, the property to which the action relates is at the commencement of the proceedings within the district, for Admiralty purposes, of the local court; or
 - (b) in the case of an action in personam, the defendant or one or more of the defendants resides or reside or has or have a place of business within that district.

The district, for Admiralty purposes, of the local court shall be the county borough of Belfast and the counties of Down and Antrim with the parts of the sea adjacent to that borough and those counties to a distance of three miles from the shore thereof.

- (4) If, as respect any proceedings as to any such claim as is mentioned in sub-paragraph (1) of this paragraph, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that the local court shall have jurisdiction in the proceedings, the local court shall, notwithstanding anything in sub-paragraph (2) or sub-paragraph (3) of this paragraph, have jurisdiction to hear and determine the proceedings accordingly.
- (5) The preceding provisions of this paragraph shall have effect in lieu of the provisions of sections seventy-four and seventy-five of the Court of Admiralty (Ireland) Act, 1867, and section three of the Court of Admiralty (Ireland) Amendment Act, 1876, and the other provisions of those Acts shall have effect accordingly; and the references in section seventy-seven of the said Act of 1867 to the limit in respect of amount and in section four of the said Act of 1876 to the limit fixed by either of those Acts shall be construed as references to the limitations of amount specified in sub-paragraph (2) of this paragraph.

Status: This is the original version (as it was originally enacted).

- (6) Nothing in this paragraph shall be taken to confer on the local court the jurisdiction of a Prize Court within the meaning of the Naval Prize Acts, 1864 to 1916.

Mode of exercise of Admiralty jurisdiction

- 3 (1) Subject to the provisions of the next following paragraph, the Admiralty jurisdiction of the High Court or the local court 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 or the local court 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 or (where it has such jurisdiction) the local court 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 or the local court 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 or the local court 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 or the local 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.

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 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 counterclaims (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 counterclaim 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.

Status: This is the original version (as it was originally enacted).

- (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.

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.

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 Merchant Shipping Act, 1894, the Shipowners' Negligence (Remedies) Act, 1905, and the 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 Diseases of Animals Act, 1894, as enables a local authority to recover expenses in burying or destroying carcases 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 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 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 Crown Proceedings Act, 1947.
- (3) Nothing in this Part of this Schedule shall affect section five of the Mail Ships Act, 1891 (which protects certain mail ships from arrest in certain circumstances).

Interpretation

- 8 (1) In this Part of this Schedule, unless the context otherwise requires—

Status: This is the original version (as it was originally enacted).

" Act " includes an Act of the Parliament of Northern Ireland, and " enactment " shall be construed accordingly;

" collision regulations " means regulations under section four hundred and eighteen of the Merchant Shipping Act, 1894, or any such rules as are mentioned in subsection (1) of section four hundred and twenty-one of that Act, 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 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.

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 Judgments Extension Act, 1868; or
- (b) a judgment, as defined in Part II of the 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 denned in the 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.

PART III

ENACTMENTS REPEALED AS RESPECTS NORTHERN IRELAND

Session and Chapter	Short title	Extent of Repeal
30 & 31 Vict. c. 114.	The Court of Admiralty (Ireland) Act, 1867.	Sections seven, twenty-seven to thirty-eight and seventy-

Status: This is the original version (as it was originally enacted).

Session and Chapter	Short title	Extent of Repeal
39 & 40 Vict. c. 28.	The Court of Admiralty (Ireland) Amendment Act, 1876.	four and seventy-five, and in section seventy-eight, the words " in some other local court or " the words " to such other local court or and the words " (as the case may be)". Sections three, fifteen and sixteen.
40 & 41 Vict. c. 56.	The County Officers and Courts (Ireland) Act, 1877.	Section forty-nine.
57 & 58 Vict. c. 57.	The Diseases of Animals Act, 1894.	In subsection (2) of section forty-six the words from " and the local authority " to the end of the subsection.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections one hundred and sixty-five, five hundred and sixty-five and six hundred and eighty-eight.
5 Edw. 7. c. 10.	The Shipowners' Negligence (Remedies) Act, 1905.	The whole Act.
1 & 2 Geo. 5. c. 41.	The Merchant Shipping (Stevedores and Trimmers) Act, 1911.	The whole Act.
1 & 2 Geo. 5. c. 57.	The Maritime Conventions, Act, 1911.	Section five.