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STATUTORY INSTRUMENTS

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**1998 No. 3132**

**The Civil Procedure Rules 1998**

**[<sup>F1</sup>PART 61**

**ADMIRALTY CLAIMS**

**[<sup>F1</sup>Special provisions relating to collision claims**

**61.4.**—(1) This rule applies to collision claims.

(2) A claim form need not contain or be followed by particulars of claim and rule 7.4 does not apply.

(3) An acknowledgment of service must be filed.

(4) A party who wishes to dispute the court's jurisdiction must make an application under Part 11 within 2 months after filing his acknowledgment of service.

[  
<sup>F2</sup>(4A) Every party must—

(a) within 21 days after the defendant files their acknowledgment of service; or

(b) where the defendant applies under Part 11, within 21 days after the defendant files their further acknowledgment of service,

disclose any electronic track data which is or has been in its control, in accordance with Part 31, and, where every party has electronic track data in its control, each must provide copies, or permit inspection, of that electronic track data within 7 days of a request by another party to do so.]

(5) Every party must—

(a) within 2 months after the defendant files the acknowledgment of service; or

(b) where the defendant applies under Part 11, within 2 months after the defendant files the further acknowledgment of service,

file at the court a completed collision statement of case in the form specified in [<sup>F3</sup>Practice Direction 61].

(6) A collision statement of case must be—

(a) in the form set out in [<sup>F4</sup>Practice Direction 61]; and

(b) verified by a statement of truth.

(7) A claim form in a collision claim [<sup>F5</sup>in personam] may not be served out of the jurisdiction unless—

(a) the case falls within section 22(2)(a), (b) or (c) of the Supreme Court Act 1981; or

(b) the defendant has submitted to or agreed to submit to the jurisdiction; and the court gives permission in accordance with [<sup>F6</sup>Section IV] of Part 6 [<sup>F7</sup>; or]

[ rule 6.33 applies.]

<sup>F8</sup>(c)

(8) Where permission to serve a claim form out of the jurisdiction is given, the court will specify the period within which the defendant may file an acknowledgment of service and, where appropriate, a collision statement of case.

(9) Where, in a collision claim in rem (“the original claim”)—

- (a) (i) a [<sup>F9</sup>counterclaim]; or
- (ii) a cross claim in rem

arising out of the same collision or occurrence is made; and

- (b) (i) the party bringing the original claim has caused the arrest of a ship or has obtained security in order to prevent such arrest; and
- (ii) the party bringing the [<sup>F9</sup>counterclaim] or cross claim is unable to arrest a ship or otherwise obtain security,

the party bringing the [<sup>F9</sup>counterclaim] or cross claim may apply to the court to stay the original claim until sufficient security is given to satisfy any judgment that may be given in favour of that party.

(10) The consequences set out in paragraph (11) apply where a party to a claim to establish liability for a collision claim (other than a claim for loss of life or personal injury)—

- (a) makes an offer to settle in the form set out in paragraph (12) not less than 21 days before the start of the trial;
- (b) that offer is not accepted; and
- (c) the maker of the offer obtains at trial an apportionment equal to or more favourable than his offer.

(11) Where paragraph (10) applies the parties will, unless the court considers it unjust, be entitled to the following costs—

- (a) the maker of the offer will be entitled to—
  - (i) all his costs from 21 days after the offer was made; and
  - (ii) his costs before then [<sup>F10</sup>in accordance with the apportionment found at trial]; and
- (b) all other parties to whom the offer was made—
  - (i) will be entitled to their costs up to 21 days after the offer was made [<sup>F11</sup>in accordance with the apportionment found at trial]; but
  - (ii) will not be entitled to their costs thereafter.

(12) An offer under paragraph (10) must be in writing and must contain—

- (a) an offer to settle liability at stated percentages;
- (b) an offer to pay costs in accordance with the same percentages;
- (c) a term that the offer remain open for 21 days after the date it is made; and
- (d) a term that, unless the court orders otherwise, on expiry of that period the offer remains open on the same terms except that the offeree should pay all the costs from that date until acceptance.]

#### **Textual Amendments**

**F1** Pt. 61 inserted (25.3.2002) by [The Civil Procedure \(Amendment No. 5\) Rules 2001 \(S.I. 2001/4015\)](#), [rule 1\(c\)](#), [Sch. 5](#)

- F2** Rule 61.4(4A) inserted (28.2.2017) by [The Civil Procedure \(Amendment\) Rules 2017 \(S.I. 2017/95\)](#), rules 2(a), **10(2)**
- F3** Words in rule 61.4(5) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **36(a)**
- F4** Words in rule 61.4(6)(a) substituted (6.4.2010) by [The Civil Procedure \(Amendment No.2\) Rules 2009 \(S.I. 2009/3390\)](#), rules 1(2), **36(a)**
- F5** Words in rule 61.4(7) inserted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(a)(i)**
- F6** Words in rule 61.4(7)(b) substituted (1.10.2008) by [The Civil Procedure \(Amendment\) Rules 2008 \(S.I. 2008/2178\)](#), rules 1(2), **33(a)**
- F7** Word in rule 61.4(7) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(a)(ii)**
- F8** Rule 61.4(7)(c) inserted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(a)(iii)**
- F9** Words in rule 61.4(9) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(b)**
- F10** Words in rule 61.4(11)(a)(ii) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(c)(i)**
- F11** Words in rule 61.4(11)(b)(i) substituted (6.4.2019) by [The Civil Procedure \(Amendment\) Rules 2019 \(S.I. 2019/342\)](#), rules 1(1), **12(c)(ii)**

**Status:**

Point in time view as at 06/04/2019. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Procedure Rules 1998, Section 61.4.