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STATUTORY INSTRUMENTS

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**1984 No. 1051**

**The Rules of the Supreme Court (Amendment) 1984**

*Admiralty Proceedings*

**16.** Order 8, rule 3(4) shall be amended by substituting, for the words “The notice”, the words “Subject to Order 75, rule 33A, the notice” and by omitting the words “or, in an Admiralty matter, in the Admiralty registry”.

**17.** Order 75, rule 2 shall be amended by substituting, for paragraph (2), the following paragraph:

—  
“(2) In this rule “collision regulations” means regulations under section 418 of the Merchant Shipping Act 1894 or section 21 of the Merchant Shipping Act 1979, or any such rules as are mentioned in subsection (1) of section 421 of the Act of 1894 or any rules made under subsection (2) of the said section 421.”.

**18.** Order 75, rule 3(3) shall be amended by omitting the words from “and notice of” to “Appendix B”.

**19.** Order 75, rule 8(1) shall be amended by substituting, for the words from “brought except—” to the end, the following words:—

“brought, save that

- (a) where the property is freight, the writ must be served on the cargo in respect of which the freight is payable or on the ship in which that cargo was carried;
- (b) where the property has been sold by the marshal, the writ may not be served on that property but a sealed copy of it must be filed in the registry or, if the writ was issued out of a district registry, in that registry, and the writ shall be deemed to have been duly served on the day on which the copy was filed.”.

**20.** Order 75, rule 8(2) shall be amended by substituting, for the words “on the property or registrar”, the words “or filed as”.

**21.** Order 75, rule 8(5) shall be amended by substituting, for the words from “the amended writ” to the end, the following words:—

“the amended writ must be served on any intervener and any defendant who has acknowledged issue or service of the writ in the action or, if no defendant has acknowledged issue or service of the writ, it must be served or filed in accordance with paragraph (1) of this rule.”.

**22.** For Order 75, rule 12 there shall be substituted the following new rule:—

**“Directions with respect to property under arrest**

**12.—**(1) The marshal may at any time apply to the Court for directions with respect to property under arrest in any action and may, and if the Court so directs shall, give notice of the application to any or all of the persons referred to in paragraph (2).

(2) The marshal shall send by post a copy of any order made on an application under paragraph (1) to all those persons who, in relation to that property, have—

- (a) entered a caveat which is still in force; or
- (b) caused a warrant for the arrest of the property to be executed by the marshal; or
- (c) acknowledged issue or service of the writ in any action in which the property is under arrest; or
- (d) intervened in any action in which the property is under arrest.

(3) A person other than the marshal may make an application under this rule by summons or motion in the action in which the property is under arrest and the summons or notice of motion together with copies of any affidavits in support must be served upon the marshal and all persons referred to in paragraph (2) unless the Court otherwise orders on an application made ex parte.

(4) A district registrar by whom any order under paragraph (3) is made shall cause a copy of the order to be sent to the marshal.”.

**23.** Order 75, rule 14 shall be amended by substituting, for the title, the following:—

*“Caveat against release etc”*

**24.** Order 75, rule 14 shall be amended by substituting, for paragraph (1), the following paragraph:—

“(1) Where a person claiming to have a right of action in rem against any property which is under arrest or the proceeds of sale thereof wishes to be served with notice of any application to the Court in respect of that property or those proceeds, he must file in the registry a praecipe in Form No. 9 in Appendix B and, on the filing of the praecipe, a caveat shall be entered in the caveat book.”.

**25.** Order 75, rule 15(1) shall be amended by substituting, for the words “for 6 months”, the words “for 12 months”.

**26.** Order 75, rule 16 shall be amended as follows:—

(1) for paragraph (1), there shall be substituted the following paragraph:—

“(1) Bail on behalf of a party to an action in rem must be given by bond in Form No. 11 in Appendix B; and the sureties to the bond must enter into the bond before a commissioner for oaths (or a solicitor exercising the powers of a commissioner for oaths under section 81 of the Solicitors Act 1974) not being a commissioner (or solicitor) who, or whose partner, is acting as solicitor or agent for the party on whose behalf the bail is to be given.”.

(2) in paragraph (4), the words “or registrar” shall be omitted.

**27.** Order 75, rule 18 shall be amended by inserting, after paragraph (2), the following new paragraph:—

“(2A) A defendant who has lodged a preliminary act must within 7 days thereafter serve notice of such lodgment on all other parties to the action.”.

**28.** Order 75, rule 21(3) shall be amended by omitting the words “on a registrar or” and the words “or indorsed by the registrar with a statement that it was served on him”.

**29.** Order 75, rule 25(1) shall be amended by omitting the words “and actions ordered to be tried as Admiralty short causes” and inserting, after the word “On”, the words “or before”.

**30.** For Order 75, rule 26 there shall be substituted the following new rule:—

**“Fixing date for trial, etc**

**26.**—(1) Subject to paragraph (2), the date for trial of an Admiralty action shall be fixed by the judge at the hearing of the summons for directions, unless a judge in person otherwise directs.

(2) Where an action is ordered to be tried without pleadings or a summons for directions is directed to be heard by a registrar the date for trial shall be fixed by the Admiralty registrar whether the action is proceeding in the registry or a district registry.

(3) Order 34 shall apply to Admiralty actions subject to the following and any other necessary modifications—

(a) the bundles referred to in rule 3(1) shall include any preliminary acts and any notice given under rule 18(3) or filed under rule 18(4) of this Order, and where trial with one or more assessors has been ordered an additional bundle shall be lodged for the use of each assessor;

(b) “the proper officer” shall mean the chief clerk of the Admiralty registry; and

(c) in an action which has been ordered to be tried with an assessor or assessors the solicitor to the party setting it down must file in the registry an undertaking to pay the proper fees and expenses of such assessor or assessors.

(4) If all the parties to an action consent, the action may be withdrawn without the leave of the Court at any time before trial by producing—

(a) in a case where the action has been set down for trial, to the proper officer, and

(b) in any other case, to an officer of the registry or, if the action is proceeding in a district registry, to the registrar of that registry,

a written consent to the action being withdrawn signed by all the parties.”.

**31.** Order 75, rules 32(1) and (5) and 33(2) shall be revoked.

**32.** After Order 75, rule 33, there shall be inserted the following new rule:—

**“Issue of originating and other motions**

**33A.**—(1) Notice of an originating motion in Admiralty must be issued out of the registry.

(2) Notice of any other motion in an Admiralty action must be issued out of the registry or, if the action is proceeding in a district registry, that registry.”.

**33.** For Order 75, rule 34 there shall be substituted the following new rule:—

**“Notice of motion in actions in rem**

**34.**—(1) The affidavits, if any, in support of a motion in an action in rem must be filed in the appropriate registry before the notice of motion is issued, unless the Court gives leave to the contrary.

(2) A notice of motion, except a motion for judgment in default, must be served on all caveators together with copies of the affidavits, if any, in support of the motion 2 clear days at least before the hearing, unless the Court gives leave to the contrary.”.

**34.** For Order 75, rule 36(2)–(4) there shall be substituted the following new paragraph:—

“(2) In the application of Order 12 and of Order 28, rule 2 to the Admiralty proceedings begun by originating summons, references to the Central Office shall have effect as references to the registry.”.

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- 35.** For Order 75, rule 42(1)–(3) there shall be substituted the following paragraphs:—
- “(1) Unless a judge in person otherwise orders, a reference shall be heard in public.
  - (2) The registrar may adjourn the hearing of a reference from time to time as he thinks fit.”.
- 36.** Order 75, rule 43(1) shall be amended by omitting the words “to a judge in court” and by substituting, for the words “14 days”, wherever they occur, the words “28 days”.
- 37.** Order 75, rule 43(2) shall be amended by substituting, for the words “the judge”, the words “a judge” and by omitting the words, “or while such a motion is pending or remains undisposed of”.
- 38.** Order 75, rule 45 shall be amended by inserting, after the words “Admiralty cause or matter”, the words “, except an order which by virtue of Order 42, rule 4 is not required to be drawn up.”.
- 39.** Order 75, rule 46(2) shall be amended by substituting, for the words from “in chambers” to the end, the words “by a registrar in a limitation action and a decision and any statement of the grounds of that decision filed under rule 42 shall be deemed to have been made or given in court,”.
- 40.** Order 75, rule 47 shall be revoked.
- 41.** For Form No. 9 in Appendix B there shall be substituted the following new form:—  
“No. 9Praeipice for caveat against release etc
- 42.** Form No. 11 in Appendix B shall be amended by inserting, after the words “Commissioner for Oaths”, the words “[or a Solicitor exercising the powers of a Commissioner for Oaths]”.