

*Status: Point in time view as at 01/10/1991.*

*Changes to legislation: Civil Jurisdiction and Judgments Act 1982, TITLE VI is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 1

#### TEXT OF 1968 CONVENTION, AS AMENDED

##### Textual Amendments

**F1** Sch. 1 substituted (1.10.1991) by S.I. 1990/2591, art. 12(1), Sch. 1

### TITLE VI

#### TRANSITIONAL PROVISIONS

##### *Article 54*

The provisions of the Convention shall apply only to legal proceedings instituted and to documents formally drawn up or registered as authentic instruments after its entry into force in the State of origin and, where recognition or enforcement of a judgment or authentic instruments is sought, in the State addressed.

However, judgments given after the date of entry into force of this Convention between the State of origin and the State addressed in proceedings instituted before that date shall be recognized and enforced in accordance with the provisions of Title III if jurisdiction was founded upon rules which accorded with those provided for either in Title II of this Convention or in a convention concluded between the State of origin and the State addressed which was in force when the proceedings were instituted.

If the parties to a dispute concerning a contract had agreed in writing before 1st June 1988 for Ireland or before 1st January 1987 for the United Kingdom that the contract was to be governed by the law of Ireland or of a part of the United Kingdom, the courts of Ireland or of that part of the United Kingdom shall retain the right to exercise jurisdiction in the dispute.

##### *Article 54a*

For a period of three years from 1st November 1986 for Denmark and from 1st June 1988 for Ireland, jurisdiction in maritime matters shall be determined in these States not only in accordance with the provisions of Title II, but also in accordance with the provisions of paragraphs 1 to 6 following. However, upon the entry into force of the International Convention relating to the arrest of sea-going ships, signed at Brussels on 10th May 1952, for one of these States, these provisions shall cease to have effect for that State.

- 1 A person who is domiciled in a Contracting State may be sued in the Courts of one of the States mentioned above in respect of a maritime claim if the ship to which the claim relates or any other ship owned by him has been arrested by judicial process within the territory of the latter State to secure the claim, or could have been so arrested there but bail or other security has been given, and either—

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- (a) the claimant is domiciled in the latter State, or
  - (b) the claim arose in the latter State, or
  - (c) the claim concerns the voyage during which the arrest was made or could have been made, or
  - (d) the claim arises out of a collision or out of damage caused by a ship to another ship or to goods or persons on board either ship, either by the execution or non-execution of a manoeuvre or by the non-observance of regulations, or
  - (e) the claim is for salvage, or
  - (f) the claim is in respect of a mortgage or hypothecation of the ship arrested.
- 2 A claimant may arrest either the particular ship to which the maritime claim relates, or any other ship which is owned by the person who was, at the time when the maritime claim arose, the owner of the particular ship. However, only the particular ship to which the maritime claim relates may be arrested in respect of the maritime claims set out in (5)(o), (p) or (q) of this Article.
- 3 Ships shall be deemed to be in the same ownership when all the shares therein are owned by the same person or persons.
- 4 When in the case of a charter by demise of a ship the charterer alone is liable in respect of a maritime claim relating to that ship, the claimant may arrest that ship or any other ship owned by the charterer, but no other ship owned by the owner may be arrested in respect of such claim. The same shall apply to any case in which a person other than the owner of a ship is liable in respect of a maritime claim relating to that ship.
- 5 The expression “maritime claim” means a claim arising out of one or more of the following—
- (a) damage caused by any ship either in collision or otherwise;
  - (b) loss of life or personal injury caused by any ship or occurring in connection with the operation on any ship;
  - (c) salvage;
  - (d) agreement relating to the use of hire of any ship whether by charterparty or otherwise;
  - (e) agreement relating to the carriage of goods in any ship whether by charterparty or otherwise;
  - (f) loss of or damage to goods including baggage carried in any ship;
  - (g) general average;
  - (h) bottomry;
  - (i) towage;
  - (j) pilotage;
  - (k) goods or materials wherever supplied to a ship for her operation or maintenance;
  - (l) construction, repair or equipment of any ship or dock charges and dues;
  - (m) wages of master, officers or crew;
  - (n) master’s disbursements, including disbursements made by shippers, charterers or agents on behalf of a ship or her owner;
  - (o) dispute as to the title to or ownership of any ship;
  - (p) disputes between co-owners of any ship as to the ownership, possession, employment or earnings of that ship;
  - (q) the mortgage or hypothecation of any ship.

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- 6 In Denmark, the expression “arrest” shall be deemed as regards the maritime claims referred to in 5(o) and (p) of this Article, to include a “forbud”, where that is the only procedure allowed in respect of such a claim under Articles 646 to 653 of the law on civil procedure (lov om rettens pleje).]

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