

SCHEDULES

FIRST SCHEDULE

PROVISIONS APPLICABLE TO NORTHERN IRELAND

PART I

ADMIRALTY JURISDICTION AND OTHER PROVISIONS AS TO SHIPS

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.

Status: This is the original version (as it was originally enacted).

- (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.
- (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.