

# PRACTICE DIRECTION – ADMIRALTY

## THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 49 AND REPLACES, WITH MODIFICATIONS, ORDER 75 OF THE RULES OF THE SUPREME COURT

### GENERAL

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- 1.1 This practice direction applies to all Admiralty proceedings.
- 1.2 The provisions of the Civil Procedure Rules and the Practice Directions that supplement them apply to Admiralty proceedings subject to the provisions of this practice direction, any other Admiralty practice direction and, where applicable, the Commercial Court Guide (see paragraph 16 below).
- 1.3 ‘Admiralty proceedings’ means proceedings in the Admiralty Court of the Queen’s Bench Division of the High Court of Justice and in any other court exercising Admiralty jurisdiction.
- 1.4 In this Practice Direction:-
  - (a) ‘the Admiralty Court’ includes:-
    - (i) the Admiralty Court of the Queen’s Bench Division of the High Court of Justice; and
    - (ii) any other court exercising Admiralty jurisdiction.
  - (b) ‘claim *in rem*’ means an Admiralty claim *in rem*;
  - (c) ‘claim *in personam*’ means an Admiralty claim *in personam*;
  - (d) a ‘collision claim’ means a claim falling within section 20(3)(b) of the Supreme Court Act 1981, namely any action to enforce a claim for damage, loss of life or personal injury arising out of–
    - (i) a collision between ships; or
    - (ii) the carrying out or omission to carry out any manoeuvre in the case of one or more of two or more ships; or
    - (iii) non-compliance, on the part of one or more of two or more ships, with the collision regulations;
  - (e) a ‘salvage claim’ includes any claim in the nature of salvage, any claim for special compensation under Article 14 of Schedule 11 to the Merchant Shipping Act 1995, any claim for the apportionment of salvage and any claim arising out of or connected with any contract for salvage services;
  - (f) ‘caveat against arrest’ means a caveat entered in the caveat book under paragraph 6.3(1);
  - (g) ‘caveat against release’ mean a caveat entered in the caveat book under paragraph 6.5(2);

- (h) 'caveat book' means the book kept in the Admiralty and Commercial Registry in which caveats under this practice direction are entered;
- (i) 'limitation claim' means a claim by shipowners of other persons under the Merchant Shipping Act 1995 for the limitation of the amount of their liability in connection with a ship or other property;
- (j) 'Marshal' means the Admiralty Marshal;
- (k) 'ship' includes any description of vessel used in navigation.
- (l) 'The Admiralty Registrar' means the Queen's Bench master with responsibility for Admiralty proceedings;
- (m) '*in rem* claim form' means a claim form which an *in rem* claim is brought.
- (n) Any references to the Merchant Shipping Act 1995 include any re-enactment thereof.
- (o) 'the CPR' means the Civil Procedure Rules.

1.5 The following claims must be commenced in the Admiralty Court.

- (a) Any claim *in rem*;
- (b) Any collision claim;
- (c) Any limitation claim;
- (d) Any application to the court under the Merchant Shipping Act 1995;
- (e) Any salvage claim.

1.6 Any other claim within the admiralty jurisdiction of the High Court may be commenced either in the Admiralty Court or in the Commercial Court.

1.7 Any claim may be transferred to the Admiralty Court with the consent of the Admiralty Court.

1.8 A claim within paragraph 1.5 wrongly commenced in any other court will be transferred automatically to the Admiralty Court.

1.9 A claim form by which a claim within paragraphs 1.5 or 1.6 is begun may be issued out of the Admiralty and Commercial Court Registry or the registry of any Admiralty Court.

1.10 If a claim form referred to in paragraph 1.9 is issued out of a registry other than the Admiralty and Commercial Registry that other registry will immediately after issue send a copy of the claim by facsimile to the Admiralty and Commercial Registry, and will also send the original file to the Admiralty and Commercial Registry.

1.11 Subject to paragraph 1.13, the Admiralty Registrar shall, after the issue of a claim form referred to in paragraph 1.9 issue a direction in writing stating:

- (a) whether the claim should remain in the Admiralty Court or should be transferred to another court; and
- (b) if the claim is to remain in the Admiralty Court, whether it should be in the Admiralty Judge's list or should be placed in the Admiralty Registrar's list for trial in London or elsewhere.

In issuing these directions the Admiralty Registrar will have regard to the nature of the issues in dispute and the criteria set out in rule 26.8 insofar as they are applicable.

- 1.12 Where the Admiralty Registrar directs that the claim should be placed in the Judge's list, case management directions will be given and any case management conference or pre-trial review will be heard by the Admiralty Judge.
- 1.13 All matters concerning the arrest, detention, sale of property and the determination of priorities in a claim *in rem*, all proceedings concerning the ownership or the mortgage of a vessel registered under the Merchant Shipping Act 1995, all proceedings in a limitation claim and proceedings against the International Oil Pollution Compensation Fund under s.175 of the Merchant Shipping Act 1995 shall be dealt with only by the Admiralty Court of the High Court.
- 1.14 All Admiralty proceedings will be allocated to the multi-track and the CPR relating to allocation questionnaires and track allocation will not apply.

## CLAIMS IN REM

- 2.1
  - (1) A claim *in rem* is begun by issuing an *in rem* claim form in Admiralty Form No. ADM1
  - (2) Subject to paragraph 4, the particulars of an *in rem* claim must
    - (a) be contained in or served with the *in rem* claim form; or
    - (b) be served on the Defendant by the Claimant within 75 days after service of the *in rem* claim form.
  - (3) The Claimant to a claim *in rem* may be named or may be described, but if not named in the *in rem* claim form shall upon the request of any other party, identify himself by name.
  - (4) The Defendant must be described in the claim form.
  - (5) An acknowledgement of service must be filed in every *in rem* claim. The period for filing the acknowledgement of service is 14 days after service of the claim form irrespective of whether the claim form contains particulars of claim. The acknowledgement must be in Admiralty Form No. ADM2. The person who acknowledges service must identify himself by name therein.
  - (6) The period within which an *in rem* claim form must be served is, subject to CPR rule 7.6, 12 months from the date of issue.

- 2.2 Service of an *in rem* claim form must be made in one of the following ways:
- (a) Upon the property against which the claim *in rem* is brought by fixing the *in rem* claim form, or a copy of it, on the outside of the property proceeded against in a position which may reasonably be expected to be seen.  
  
Where the property is freight, service may be made either on the cargo in respect of which the freight was earned or on the ship upon which that cargo was carried.
  - (b) If the property to be served is in the custody of a person who will not permit access to it, by leaving a copy of the *in rem* claim form with that person.
  - (c) Where the property has been sold by the Marshal, by filing the *in rem* claim form in the Admiralty and Commercial Registry.
  - (d) Where there is a caveat against arrest, on the person named in the caveat as being authorised to accept service.
  - (e) On any solicitor who has authority to accept service.
  - (f) On such person and in such manner as is stated to constitute effective service in any agreement providing for service of the proceedings;
  - (g) In any other manner directed under CPR rule 6.8 provided that the res or part thereof is within the jurisdiction of the Court; or
  - (h) In such other manner as may be provided by rule or by practice directions.
- 2.3 In cases where the property is to be arrested, or in cases where the property is already under arrest in current proceedings, the Marshal will effect service of the *in rem* claim form if the Claimant requests the Court to do so. In all other cases Admiralty *in rem* claim forms are to be served by the claimant, not the Registry.
- 2.4 Where an *in rem* claim form has been issued, any person who wishes to defend the claim may file an acknowledgement of service notwithstanding that the *in rem* claim form has not been served.
- 2.5 Except as otherwise provided in this practice direction, after acknowledgment of service has been filed, the procedure relating to the claim shall be the procedure applicable to a claim *in personam*, but the claim also continues to be a claim *in rem*.
- 2.6 Where the defendants are described and not named on the claim form, for example as 'The Owners of the Ship X', any acknowledgement of service in addition to stating the description appearing on the claim form shall also state the full names of the persons acknowledging service and the nature of their ownership. In the event of there being insufficient space on the acknowledgement of service form itself, such additional information shall appear on a separate document to accompany and be lodged with the acknowledgement of service form.

- 2.7 A Defendant who files an acknowledgement of service to an *in rem* claim form does not by doing so lose any right that he may have to dispute the Court's jurisdiction. (see CPR10.1(3)(b) and Part 11).
- 2.8 Any person who pays the prescribed fee may, during office hours, search for, inspect and take a copy of any claim form *in rem* whether or not it has been served.

## CLAIMS IN PERSONAM

- 3.1 (1) A claim form by which a claim *in personam* is brought (an *in personam* claim form in Admiralty Form ADM1A) may be served within the jurisdiction as provided in CPR Part 6 and, except in the case of a collision claim, may be served out of the jurisdiction as provided Section III of Part 6.
- (2) An *in personam* claim form may also be served out of the jurisdiction where:
- (a) the Defendant has agreed to submit the claim to the jurisdiction of the court; or
  - (b) the claim is in the nature of salvage and any part of the services took place within the jurisdiction; or
  - (c) the claim is to enforce a claim under sections 153 and/or 154 and/or 175 of the Merchant Shipping Act 1995,
- and the Court grants permission to serve the claim form out of the jurisdiction on an application in accordance with Section III of Part 6.
- (3) *In personam* claim forms are to be served by the claimants, not by the Registry.
- 3.2 (1) An *in personam* claim form may seek judgment on liability alone and request that the amount of the claim be referred to the Admiralty Registrar, or be dealt with as the Admiralty Registrar may direct.
- (2) The Claimant in a claim *in personam* may be named or may be described in the claim form, but if not named, shall, upon the request of any other party, identify himself by name.
- (3) The Defendant in a claim *in personam* must be named in the claim form.
- (4) Subject to paragraph 4, the particulars of an *in personam* claim must
- (a) be contained in or served with the claim form; or
  - (b) be served on the Defendant by the Claimant within 75 days after service of the claim form.
- (5) The person who files a defence must identify himself by name in the defence.

- 3.3 An acknowledgement of service must be filed in every *in personam* claim. Subject to paragraph B7.4 of the Commercial Court Guide, the period for filing the acknowledgement of service is 14 days after service of the claim form irrespective of whether the claim form contains particulars of claim.

## **SPECIAL PROVISIONS RELATING TO COLLISION CLAIMS**

- 4.1 (1) A collision claim is begun by issuing a claim form. The claim form need not contain or be followed by particulars of claim and CPR rule 7.4 will not apply.
- (2) An acknowledgment of service must be filed in every collision claim.
- 4.2 (1) In any collision claim each party shall, within 2 months after the filing by the Defendant of the acknowledgment of service or, in the event that the Defendant makes an application under CPR Part 11 (disputing the jurisdiction or the exercise by the court of its jurisdiction), within 2 months of the determination of the Defendant's application, file in the Registry a completed Admiralty Form No. ADM3 ('a Preliminary Act').
- (2) A Preliminary Act shall contain-
- (a) in Part One of the Form, answers to the questions set out in that Part; and
- (b) in Part Two of the Form, a statement-
- (i) that the information in Part One is incorporated in Part Two;
- (ii) of any other facts and matters upon which the party filing the Preliminary Act relies;
- (iii) of all allegations of negligence or other fault which the party filing the Preliminary Act makes;
- (iv) of the relief or remedy which the party filing the Preliminary Act claims.
- (3) A Preliminary Act is to be treated as a statement of case and must be verified by a statement of truth.
- (4) Upon filing their Preliminary Act each party must give notice that he has done so to each other party. Within 14 days after the last Preliminary Act is filed each party must serve on every other party a copy of his Preliminary Act.
- (5) After each party has filed his Preliminary Act, the claim shall proceed as any other Admiralty claim.
- 4.3 In any collision claim an application under CPR Part 11 disputing the Court's jurisdiction must be made within 2 months of the filing of the acknowledgment of service.

- 4.4 A claim form in a collision claim may not be served out of the jurisdiction unless—
- (a) the case falls within section 22(a) to (c) of the Supreme Court Act 1981; or
  - (b) the defendant has submitted to or agreed to submit to the jurisdiction of the court, and the Court grants permission in accordance with rule 6.21. If permission is granted the court will specify the period within which the defendant may file an acknowledgment of service and a Preliminary Act. Rule 6.21(4) does not apply.
- 4.5 Where, in a collision claim *in rem*, ('the original claim') -
- (a) (i) a Part 20 claim; 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 Part 20 claim or cross claim is unable to arrest a ship or otherwise to obtain security, then the party bringing the Part 20 claim or cross claim may apply to the Admiralty Court to stay the original claim until sufficient security is given to satisfy any judgment that may be given in favour of that party.
- 4.6 In collision claims the skeleton argument of each party should be accompanied by a plot or plots of that party's case or alternative cases as to the navigation of vessels during and leading to the collision. All plots must contain a sufficient indication of the assumptions used in the preparation of the plot.
- 4.7 Where the authenticity of any document or entry in any document is challenged or where it will be suggested at trial that a document or entry in a document was not made at the time or by the person stated or is in any other way challenged in a manner which may require a witness to be produced at trial to support the document or entry in the document, such challenge must be raised in good time in advance of the trial to enable any such witness to be produced. In addition, the skeleton argument should make it plain what challenges to documents or entries in documents will be made.

## OFFERS TO SETTLE IN COLLISION CLAIMS

- 4.8 (1) If a party to proceedings to establish liability for a collision claim (other than a claim for loss of life or personal injury)-
- (a) makes an offer to settle the proceedings in the form set out in paragraph (2) 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,

the maker of the offer shall, unless the court considers it unjust, be entitled to-

- (i) all his costs from 21 days after the date the offer was made; and
  - (ii) any costs incurred before the date from which the maker of the offer will be entitled to all his costs under paragraph (i) in the percentage to which he would have been entitled had the offer been accepted.
- (2) The offer 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 remains open for 21 days after the date it is made; and
  - (d) a term that 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.

## **PROCEEDINGS AGAINST OR CONCERNING THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND\***

- 5.1 For the purposes of section 177 of the Merchant Shipping Act 1995 and the corresponding provision of Schedule 4 to the Act, any party to proceedings against an owner or guarantor in respect of liability under section 153 and/or section 154 of the said Act or the corresponding provisions of Schedule 4 to the Act may give the Fund notice of the proceedings by serving a notice in writing on the Fund together with a copy of the claim form and copies of the statements of case (if any) served in the proceedings.
- 5.2 The court will, on application by the Fund made without notice, grant permission to the Fund to intervene in any proceedings to which paragraph 5.1 applies, whether notice of the proceedings has been served on the Fund or not.
- 5.3 Where a judgment is given against the Fund in any proceedings under section 175 of the Merchant Shipping Act 1995 or the corresponding provision of Schedule 4 to the Act, the Admiralty Registrar will arrange for a stamped copy of the judgment to be sent to the Fund by post.



- 5.4 Notice by the Fund to the Admiralty Registrar of the matters set out in section 176(3)(b) of the Merchant Shipping Act 1995 and the corresponding section of Schedule 4 to the Act shall be in writing sent by post to, or delivered at, the Registry.

\*See Chapter IV, Merchant Shipping Act 1995.

## **ARREST, RELEASE, INTERVENERS ETC.**

- 6.1 Except as provided in this Practice Direction, the Claimant in a claim *in rem* and a judgment creditor in a claim *in rem* is entitled to have the property proceeded against arrested by the Admiralty Court by filing an application to arrest in Admiralty Form No. ADM4 (which shall also contain an undertaking) accompanied by a declaration in Admiralty Form No. ADM5 upon which the Admiralty Court will issue an arrest warrant.
- 6.2
- (1) An application for arrest may be made by filing the application notice in the Admiralty and Commercial Registry or the registry of any Admiralty Court.
  - (2) When the relevant registry is closed an application for arrest shall be dealt with in such manner (if any) as may be provided in Admiralty practice directions.
  - (3) Any party making an application for arrest must (i) request a search to be made in the caveat book before the warrant is issued in order to ascertain whether there is a caveat in force with respect to that property and (ii) file a declaration in Admiralty Form No. ADM5 containing the particulars required in paragraph 6.2(4). However the Admiralty Court may, if it thinks fit, give permission for the issue of the arrest warrant notwithstanding that the declaration does not contain all those particulars.
  - (4) The declaration required by paragraph 6.2(3) must state –
    - (a) in every case:
      - (i) the nature of the claim or counterclaim and that it has not been satisfied and if it arises in connection with a ship, the name of that ship; and
      - (ii) the nature of the property to be arrested and, if the property is a ship, the name of the ship and her port of registry; and
      - (iii) the amount of the security sought, if any.
    - (b) in the case of a claim against a ship by virtue of section 21(4) of the Supreme Court Act 1981:
      - (i) the name of the person who would be liable on the claim if it were commenced *in personam* ('the relevant person'); and
      - (ii) that the relevant person was when the cause of action arose the owner or charterer of, or in possession or in control of,

the ship in connection with which the claim arose, specifying which; and

- (iii) that at the time when the claim form was issued the relevant person was either the beneficial owner of all the shares in the ship in respect of which the warrant is required or (where appropriate) the charterer of it under a charter by demise, as the case may be; and
- (c) in the cases set out in paragraphs 6.2(7) and 6.2(8) that the relevant notice has been sent or served, as appropriate; and
- (d) in the case of a claim in respect of liability incurred under section 153 of the Merchant Shipping Act 1995, the facts relied on as establishing that the Court is not prevented from entertaining the claim by reason of section 166(2) of that Act.

and must be sworn as an affidavit.

- (5) No registry other than the Admiralty and Commercial Registry will issue an arrest warrant and where an application for arrest is made to any registry other than the Admiralty and Commercial Registry that registry will use its best endeavours to cause the application form and declaration and a copy of the form to be transmitted immediately to the Admiralty and Commercial Registry for consideration of the application and, if appropriate, the issue of the warrant. Thereafter the arrest shall be administered by the Marshal and all applications in respect thereof and in respect of the property under arrest other than an order for sale before judgment shall be made to and considered by the Admiralty Registrar himself or as he may direct.
- (6) A warrant of arrest may not be issued as of right in the case of property in respect of which the beneficial ownership, as a result of a sale or disposal by any court exercising Admiralty jurisdiction, has changed since the claim form was issued.
- (7) No warrant of arrest will be issued against a ship owned by a State where, by any convention or treaty, the United Kingdom has undertaken to minimise the possibility of arrest of ships of that State until notice in Admiralty Form No. ADM6 has been served on a consular officer at the consular office of that State in London or the port at which it is intended to cause the ship to be arrested and a copy of the notice is exhibited to the declaration filed under paragraph 6.2(3).
- (8) Except with the permission of the court or when notice has been given under paragraph (7), a warrant of arrest shall not be issued in proceedings *in rem* against a foreign ship belonging to a port of a State in respect of which an order in council has been made under section 4 of the Consular Relations Act 1968, until the expiration of two weeks from appropriate notice to the consul.
- (9) A warrant of arrest is valid for 12 months but may only be executed if the claim form has been served or remains valid for service at the date of execution.

- 6.3 (1) Any person may file in the Admiralty and Commercial Registry a notice requesting a caveat against arrest in Admiralty Form No. ADM7, undertaking to file an acknowledgment of service and to give sufficient security to satisfy the claim with interest and costs. Upon filing the notice of request a caveat shall be entered in the caveat book. The record of such caveats shall be open for inspection as provided in the Admiralty practice directions. Caveats shall be valid for a period of 12 months but may be renewed for a similar period or periods. The entry of a caveat against arrest shall not be treated as a submission to the jurisdiction of the English Court.
- (2) Where a Claimant in a limitation claim has constituted a limitation fund in accordance with Article 11 of the Convention on Limitation of Liability for Maritime Claims 1976 and desires to prevent the arrest of property for a claim which may be or has been made against the fund, he must file in the Admiralty and Commercial Registry a notice requesting a caveat, in Admiralty Form No. ADM8, signed by him or his solicitor –
- (a) stating that a limitation fund in respect of the damage arising from the relevant incident has been constituted; and
  - (b) undertaking to acknowledge service of the claim form by which any claim may be begun against the property described in the notice;
- and on the filing of the notice a caveat against the issue of a warrant to arrest the property described in the notice shall be entered in the caveat book.
- (3) Property may be arrested notwithstanding that a caveat against arrest has been filed, but in such a case the Admiralty Court may if it considers that it is appropriate to do so, order that the arrest be discharged and that the party procuring the arrest do pay compensation to the owner of or other persons interested in the property arrested.
- 6.4 (1) The arrest of property may only be effected by the Marshal or his substitute.
- (2) Arrest is effected by service on the property of an arrest warrant in Admiralty Form No. ADM9 in the manner set out in paragraph 2.2(a) or, where it is not reasonably practicable to serve the warrant, by service of a notice of the issue of the warrant in that manner upon the property or by giving notice to those in charge of the property.
- (3) Property under arrest may not be moved without an order of the Admiralty Court and the property may be immobilised or otherwise prevented from sailing in such manner as the Marshal or his substitute may decide is appropriate.
- (4) Upon arrest, standard directions will be issued by the Admiralty Registrar in Admiralty Form No. ADM10.

- 6.5 (1) Where property is under arrest an *in rem* claim form may be served upon it and, in addition, it may be arrested by any other person claiming to have an *in rem* claim against it.
- (2) Any person claiming to have an *in rem* right against any property under arrest who wishes to be given notice of any application to the court in respect of that property or its proceeds of sale may file in the Admiralty and Commercial Registry a notice requesting a caveat against release in Admiralty Form No. ADM11. Upon the filing of the notice of request, a caveat shall be entered in the caveat book. The record of such caveats shall be open for inspection as provided in the Admiralty practice directions.
- 6.6 (1) Property will be released from arrest if:
- (a) it is sold by the Admiralty Court; or
  - (b) the Admiralty Court orders release upon application made by any party; or
  - (c) the arresting party and all caveators, if any, file in the Registry a request for release in Admiralty Form No. ADM12, or
  - (d) any party files in the Registry a request for release in Admiralty Form No. ADM12(which shall also contain an undertaking) together with a consent to the release of the arresting party and all caveators, if any.
- (2) Any application for release made when the Registry is closed shall be made in the manner provided by paragraph 17.5.
- 6.7 (1) Where the release of any property under arrest is delayed by the entry of a caveat under this rule, any person having an interest in the property may apply to the Admiralty Court for an order requiring the person who procured the entry of the caveat to pay damages to the applicant in respect of losses suffered by the applicant by reason of the delay and the Court may make such an order unless it is satisfied that the person procuring the entry of the caveat had a good and sufficient reason for doing so and for maintaining the caveat.
- (2) Where an *in rem* claim form has been issued and security sought, any person who has filed an acknowledgment of service may apply to the Admiralty Court for an order specifying the amount and form of security to be provided.
- (3) Where in relation to a claim *in rem* security has been provided to obtain the release of property under arrest or to prevent the arrest of property the Admiralty Court may at any stage:
- (a) order that the amount of security be reduced, and may stay the claim pending compliance with such order;

- (a) order that the Claimant be permitted to arrest or re-arrest the property proceeded against for the purposes of obtaining further security, provided that the total security provided shall not exceed the value of the property at the time of the original arrest or at the time security was first given if the property was not arrested.
- 6.8 Any person interested in property under arrest or in the proceeds of sale of property sold by the Admiralty Court or whose interests are affected by any order sought or made may be made a party to any claim *in rem* against the property or proceeds of sale where the Court considers it would be just and convenient and upon such terms as the Court may think fit.
- 6.9 Any application to the Admiralty Court concerning the sale of the property under arrest or the proceeds of sale of property sold by the Court shall be heard in public and the application notice served on all parties to the claim and caveators against the property or the proceeds of sale.
- 6.10
  - (1) Where a ship is not under arrest but cargo on board her is, and those interested in the ship wish to discharge the cargo which is under arrest, they may, without intervening in the action, request the Marshal to take the appropriate steps. If the Marshal considers the request reasonable and if the applicant gives an undertaking in writing satisfactory to the Marshal to pay on demand the fees of the Marshal and all expenses to be incurred by him or on his behalf in taking the desired steps, the Marshal will apply to the court for the appropriate order.
  - (2) Where those interested are unable or unwilling to arrange for such an undertaking to be given they may intervene in the action in which the cargo is under arrest and apply to the Admiralty Registrar for an order for discharge of the cargo and for directions as to the fees and expenses of the Marshal in and about the discharge and storage of the cargo pursuant to such order.
- 6.11 Where a ship is under arrest but cargo on board her is not, and those interested in the cargo wish to secure its discharge, one or other of the procedures outlined in paragraph 6.10(1) and 6.10(2) may be followed.

## DEFAULT

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- 7.1 If no acknowledgment of service and/or defence to a claim *in rem* (other than one to which paragraph 4 applies) is filed within the time required by this practice direction a Claimant may apply for judgment in default by filing an application in Admiralty Form No. ADM13, a certificate proving proper service of the claim form and evidence proving the claim to the satisfaction of the Admiralty Court. Where the claim form has been served by the Court it shall be presumed to have been properly served unless it is proved not to have been.

- 7.2 In the case of a claim to which paragraph 4 applies, where any party fails to file a Preliminary Act within the time specified any other party who has filed a Preliminary Act may apply for judgment in default:
- (a) in a claim *in rem*, by filing an application in Admiralty Form No. ADM13, a certificate proving proper service of the claim form and evidence proving the claim to the satisfaction of the Admiralty Court. Where the claim form has been served by the Court it shall be presumed to have been properly served unless it is proved not to have been.
  - (b) in a claim *in personam*, in accordance with the rules in CPR Part 12 so far as applicable.
- 7.3 In the case of any other claim *in personam*, the rules as to judgment in default in CPR Part 12 will apply so far as applicable.
- 7.4 The Admiralty Court may, on such terms as it thinks just, set aside or vary any judgment entered in pursuance of paragraphs 7.1 or 7.2
- 7.5 Where a claim form has been served upon a party at whose instance a caveat against arrest was issued the Claimant may, after filing evidence to the satisfaction of the Admiralty Court verifying the facts on which the claim is based, apply to the Court for judgment in default provided that:-
- (a) the sum claimed in the claim form does not exceed the amount specified in the undertaking given by that party or his solicitor to procure the entry of the caveat, and
  - (b) that party or his solicitor does not within 14 days after service of the claim form fulfil the undertaking given by him as aforesaid.

## **SALE BY THE COURT, PRIORITIES AND PAYMENT OUT**

- 8.1
- (1) An order for the survey, appraisalment, or sale of a ship may be made in a claim *in rem* at any stage of the proceedings on the application of any party.
  - (2) An order for sale before judgment may only be made by the Admiralty Judge.
  - (3) Unless the Admiralty Court otherwise orders, an order for sale will be in Admiralty Form No. ADM14.
  - (4) In giving directions for sale the Admiralty Court may fix a time within which notice of claims against the proceeds of sale must be filed, and the time and manner in which notice of that time must be advertised.
- 8.2
- (1) Any party with a judgment against the property or proceeds of sale may at any time after the time referred to in paragraph 8.1(4) apply to the Admiralty Court for the determination of priorities. The application notice must be served on all persons who have filed a claim against the property.
  - (2) Unless otherwise ordered by the Admiralty Judge, a determination of priorities may only be made by the Admiralty Judge.

- 8.3 Payment out of the proceeds of sale will be made only to judgment creditors and in accordance with the determination of priorities or as the Admiralty Court may otherwise order.
- 8.4 (1) When proceeds of sale are paid into court by the Marshal and such payment is in a foreign currency, the funds will be placed on one day call interest bearing account unless otherwise ordered by the court.
- (2) An application to place foreign currency on longer term deposit unless made at the same time as the application for sale, or other prior application, may be made to the Admiralty Registrar. Notice of the placement of foreign currency in an interest bearing account shall be given to all parties interested in the fund by the party at whose instance the foreign currency is invested.
- (3) Any interested party who wishes to object to the mode of investment of foreign currency paid into court may apply to the Admiralty Registrar for directions.

## **LIMITATION CLAIMS**

- 9.1 (1) Limitation may be relied upon by way of defence to any claim.
- (2) A limitation claim may be brought by counterclaim with the permission of the Admiralty Court.
- (3) A limitation claim is begun by the issue of a claim form in Admiralty Form No. ADM15 ('a limitation claim form'). The limitation claim form must be accompanied by a declaration:
- (a) proving the facts upon which the Claimant relies
  - (b) stating the names and addresses (if known) of all persons who to the knowledge of the Claimant have claims against him in respect of the occurrence to which the claim relates, other than named defendants.
- and sworn as an affidavit.
- (4) The Claimant and at least one of the Defendants must be named in the limitation claim form, but all other Defendants may be described.
- (5) The limitation claim form must be served on all named Defendants.
- (6) The limitation claim form may not be served out of the jurisdiction unless:
- (a) the case falls within section 22(2)(a) to (c) of the Supreme Court Act 1981;
  - (b) the Defendant has submitted to or agreed to submit to the jurisdiction of the court; or



- (c) the Admiralty Court has jurisdiction over the claim under any applicable Convention, and the court grants permission on an application in accordance with Rule 6.21.
  - (7) Every Defendant upon whom a limitation claim form is served must either:
    - (a) within 28 days of service file a defence to the limitation claim in Admiralty Form No. ADM16A or file a notice in Admiralty Form No. ADM16 that he admits the right of the claimant to limit liability; or
    - (b) if he wishes to dispute the jurisdiction of the court or to argue that the court should not exercise its jurisdiction file within 14 days of service or, if the limitation claim form is served out of the jurisdiction, within the time specified in rule 6.22, an acknowledgment of service in Admiralty Form No. ADM16B.
  - (8) In the event that the Defendant files an acknowledgment of service pursuant to paragraph 9.1(7)(b) he will be treated as having accepted that the court has jurisdiction to hear the limitation claim unless he makes an application under CPR Part 11 within 14 days of filing his acknowledgment of service.
- 9.2
- (1) Where one or more named Defendants admits the right to limit, the Claimant may file in the registry an application for a restricted limitation decree in Admiralty Form No. ADM17 and the Court will issue a decree in Admiralty Form No. ADM18 limiting liability only against such named Defendants as have admitted the Claimant's right to limit liability.
  - (2) A restricted limitation decree may be obtained against any named Defendant failing to file a defence within the time specified for doing so.
  - (3) A restricted decree need not be advertised, but a copy must be served on the Defendants to whom it applies.
  - (4) Where the right to limit is not admitted or the Claimant seeks a general limitation decree in Admiralty Form No. ADM19, he must within 7 days of the date of the filing of the defence of the named Defendant last served or the expiry of the time for doing so, apply for an appointment before the Admiralty Registrar for a case management conference at which directions will be given for the further conduct of the proceedings.
- 9.3
- (1) When a limitation decree is granted the Admiralty Court:
    - (a) may order that any proceedings relating to any claim arising out of the occurrence be stayed;
    - (b) may order the Claimant to establish a limitation fund if one has not been established or make such other arrangements for payment of claims against which liability is limited as the Court considers appropriate;

- (c) may, if the decree is a restricted limitation decree, distribute the limitation fund;
    - (d) shall, if the decree is a general limitation decree, give directions as to advertisement of the decree and fix a time within which notice of claims against the fund must be filed or an application made to set aside the decree.
  - (2) When the Admiralty Court grants a general limitation decree the Claimant must:
    - (a) advertise it in such manner and within such time as the Court shall direct;
    - (b) file in the registry a declaration that the decree has been advertised in accordance with (a) and copies of the advertisements.
- 9.4 Any person other than a named Defendant may apply to the Admiralty Registrar within the time fixed in the decree to have a general limitation decree set aside. Any such application must be supported by a declaration proving that the person has a good faith claim against the Claimant arising out of the occurrence and sufficient grounds for contending that the Claimant is not entitled to the decree obtained, either in the amount of limitation or at all.
- 9.5
- (1) A limitation fund may be established before or after a limitation claim has been commenced.
  - (2) If a limitation claim is not commenced within 75 days of the date the fund was established, the fund will lapse and all monies in court, including any interest accrued therein, will be repaid to the person making the payment into court. The lapsing of a limitation fund shall not prevent the establishment of a new fund.
- 9.6
- (1) The Claimant may constitute a limitation fund by paying into court the sterling equivalent of the number of special drawing rights to which he claims to be entitled to limit his liability under the Merchant Shipping Act 1995 together with interest thereon from the date of the occurrence giving rise to his liability to the date of payment into court.
  - (2) Where the Claimant does not know the sterling equivalent of the said number of special drawing rights on the date of payment into court he may calculate the same on the basis of the latest available published sterling equivalent of a special drawing right as fixed by the International Monetary Fund, and in the event of the sterling equivalent of a special drawing right on the date of payment into court under paragraph (1) being different from that used for calculating the amount of that payment into court the Claimant may—

- (a) make up any deficiency by making a further payment into court which, if made within 14 days after the payment into court under paragraph (1), shall be treated, except for the purposes of the rules relating to the accrual of interest on money paid into court, as if it has been made on the date of that payment into court, or
  - (b) apply to the Admiralty Court for payment out of any excess amount (together with any interest accrued thereon) paid into court under paragraph (1).
- (3) An application under paragraph 9.6(2) (b) may be made without notice to any party and must be supported by evidence to the satisfaction of the Court proving the sterling equivalent of the appropriate number of special drawing rights on the date of payment into court.
  - (4) On making any payment into court under this rule, the Claimant shall give notice thereof in writing to every named Defendant, specifying the date of payment in, the amount paid in, the amount of interest included therein, the rate of such interest, and the period to which it relates.

The Claimant shall also give notice in writing to every Defendant of any excess amount (and any interest thereon) paid out to him under paragraph 9.6(2)(b).

- (5) Money paid into court under this paragraph shall not be paid out except under an order of the court.
- 9.7
- (1) A claim against the fund must be in Admiralty Form No. ADM20.
  - (2) No later than the time fixed in the decree for filing claims, each of the Defendants must file and serve his statement of case on the limiting party and on all other Defendants. The statement of case must contain the particulars of the Defendant's claim. Any Defendant unable to do so must file a declaration in Admiralty Form No. ADM21 stating the reason for his inability. The declaration must be sworn as an affidavit.
  - (3) Within 7 days of the time for filing claims or declarations, the Admiralty Registrar will fix a date for a case management conference at which directions will be given for the further conduct of the proceedings.

## **REFERENCES TO THE ADMIRALTY REGISTRAR**

- 10 (1) The Admiralty Court may at any stage in the claim refer any question or issue for determination by the Admiralty Registrar (a 'reference').
- (2) Unless otherwise ordered, where a reference has been ordered:
  - (a) The Claimant must file and serve particulars of claim on all other parties within 14 days of the date of the order.

- (b) Any party opposing the claim must file a defence to the claim within 14 days of service of the particulars of claim upon him.
- (3) Within 7 days of the filing of the defence, the Claimant must apply for an appointment before the Admiralty Registrar for a case management conference at which directions will be given for the further conduct of the proceedings.
- (4) Any decision of the Admiralty Registrar on the hearing of the reference may be appealed to the Admiralty Judge, by Notice in Admiralty Form No. ADM22 filed within 28 days of the decision on the reference appealed against.

### **INSPECTION OF SHIP ETC.**

- 11 The Admiralty Court may, on the application of any interested persons or on its own initiative, make an order for the inspection by any person of any ship or other property, whether real or personal, the inspection of which may be necessary or desirable for the purpose of obtaining full information or evidence in connection with any issue in a claim or proposed claim whether *in rem* or *in personam*.

### **AGREEMENT OF SOLICITORS TO BE MADE AN ORDER OF THE COURT.**

- 12 Subject to any restrictions contained in other Rules, any agreement in writing between the solicitors of the parties to any Admiralty claim dated and signed by those solicitors may, if the Admiralty Registrar thinks it reasonable, be filed in the Admiralty and Commercial Registry and the agreement shall then become an order of the Admiralty Court.

### **UNDERTAKINGS**

- 13 (1) Where in this practice direction any undertaking to the Marshal is required it shall be given in writing and to his satisfaction or in accordance with such other arrangements as he may require.
- (2) Where any party is dissatisfied with a direction given by the Marshal in this respect he may apply to the Admiralty Registrar for a ruling.

### **STAY OF PROCEEDINGS**

- 14 Where the Admiralty Court orders a stay of any claim *in rem*, any property under arrest in the action shall remain under arrest and any security representing the res shall remain in force unless the Court otherwise orders.

## Provisions for the appointment of Examiners in Admiralty etc.

- 15 (1) The Admiralty Court may make an order with the consent of the parties for a deposition to be taken as if before an examiner but without the examiner actually being appointed or being present.
- (2) Where an order is made under paragraph 15(1) provision may be made for any consequential matters, but in the absence of such provision the following provisions shall apply:
  - (a) the party whose witness is to be examined shall provide a shorthand writer to take down the evidence of the witness;
  - (b) any representative, being counsel or solicitor, of either of the parties shall have authority to administer the oath to the witness;
  - (c) the shorthand writer need not be sworn but shall certify in writing as correct a transcript of his notes of the evidence and deliver it to the solicitor for the party whose witness was examined, and that solicitor must file it in the Registry;
  - (d) unless the parties otherwise agree or the court otherwise orders, the transcript or a copy of it, shall be made available to the persons who acted as advocates at the examination before it is filed, and if any of those persons is of the opinion that the transcript does not accurately record the evidence he shall make a certificate specifying the corrections which in his opinion should be made and that certificate must be filed with the transcript.
- (3) In a collision claim no order shall be made under CPR Part 34 authorising the examination of a witness before the Preliminary Acts have been filed, unless the Admiralty Court considers that there are special reasons for doing so.
- (4) The Lord Chief Justice may appoint such number of barristers or solicitors as he thinks fit to act as examiners of the Admiralty Court in connection with Admiralty claims, and may revoke any such appointment.

## THE COMMERCIAL COURT GUIDE

- 16.1 The practice of the Commercial Court set out in the Commercial Court Guide should, except where inapplicable, be followed in Admiralty proceedings subject to the provisions of this or any other Admiralty practice direction and to any order that may be made in an individual case.
- 16.2 Part D of the Commercial Court Guide shall be modified as follows:
  - (a) D3 shall not apply;
  - (b) In the Admiralty Court the Case Management Information Sheet should be in the form of Appendix 6 to the Commercial Court Guide but also include the following additional question:

- (20) (a) Do any of the issues contained in the List of Issues involve questions of navigation or other particular matters of an essentially Admiralty nature which require the trial to be before the Admiralty Judge or is there any other reason why you consider trial before the Admiralty Judge to be necessary?
- (b) Are you prepared to have the case tried before a deputy nominated by the Admiralty Judge who has experience of such questions or matters?
- (c) Do you consider that the court should sit with nautical or other Assessors? Are you intending to ask that the court sit with one or more Assessors who is not a Trinity Master? If so please state the reasons for such application.
- 16.3 One significant area of difference between practice in the Commercial Court and practice in the Admiralty Court is that in the Admiralty Court many interlocutory applications are normally heard by the Admiralty Registrar and this practice will continue, save as specifically mentioned elsewhere in this practice direction.

## **USE OF FAX WHEN REGISTRY IS CLOSED**

- 17.1 When the Registry is closed (and only when it is closed) and Admiralty claim form may be issued on the following designated fax machine: 0171-936 6667 and only on that machine.
- 17.2 The procedure to be followed is set out in paragraph B3.11 and Appendix 3 of the Commercial Court Guide.
- 17.3 (1) When the Registry is closed (and only when it is closed) a notice requesting a caveat against release may be filed on the following designated fax machine: 0171-936 6056 and only on that machine. This machine is manned 24 hours a day by court security staff (telephone 0171-936 6000). The notice requesting the caveat should be transmitted with a note in the following form for ease of identification by security staff: CAVEAT AGAINST RELEASE
- Please find notice requesting caveat against release of the ... (name ship/identify cargo) ... for filing in the Admiralty Court and Commercial Registry.
- (2) The notice must be in Admiralty Form No. ADM11 and signed by a solicitor acting on behalf of the intending caveator.
- 17.4 (1) Subject to the provisions of paragraph 17.4(3) below, the filing of the notice takes place when the fax is recorded as having been received.

- (2) When the Registry is next open to the public, the filing solicitor or his agent shall attend and deliver to the Registry the document which was transmitted by fax together with the transmission report. Upon satisfying himself that the document delivered fully accords with the document received by the Registry, the court office shall stamp the document delivered with the time and date at which the notice was received, enter the same in the caveat book and retain the same with the faxed copy.
- (3) Unless otherwise ordered by the court, the stamped notice shall be conclusive proof that the notice was filed at the time and on the date stated.
- (4) If the filing solicitor does not comply with the foregoing procedure, or if the notice is not stamped, the notice shall be deemed never to have been filed.

## **OUT OF HOURS BUSINESS (ADMIRALTY MARSHAL)**

- 17.5
- (1) This paragraph makes provision for release from arrest when the Registry is closed: see paragraph 6.6(2).
  - (2) An application for release under paragraph 6.6(1)(c) or (d) may when the Registry is closed be made in, and only in, the following manner:
    - (a) The solicitor for the arrestor or other party applying must telephone the security staff at the Royal Courts of Justice (020 7936 6260) and ask to be contacted by the Admiralty Marshal, who will then respond as soon as practicably possible.
    - (b) Upon being contacted by the Admiralty Marshal the solicitor must give oral instructions for the release and an oral undertaking to pay the fees and expenses of the Admiralty Marshal as required in Form No. ADM 12. The arrestor or other party applying must then send a written request and undertaking on Form No. ADM 12 by fax to a number given the Admiralty Marshal.
    - (c) The solicitor must provide written consent to the release from all caveators (and from the arrestor if the arrestor is not the party applying) by sending such by fax to the number supplied by the Admiralty Marshal.
    - (d) Upon the Admiralty Marshal being satisfied that no caveats against release are in force, or that all caveators, and if necessary the arrestor, have given their written consent to the release, the Admiralty Marshal shall effect the release as soon as practicable.



- (3) Practitioners should note that the Admiralty Marshal is not formally on call and therefore at times may not be available to assist. Similarly the practicalities of releasing a ship in some localities may involve the services of others who may not be available outside normal working hours.
- (4) This service is offered to practitioners for use during reasonable hours and on the basis that if the Admiralty Marshal is available and can be contacted he will use his best endeavours to effect instructions to release but without guarantee as to their success.

## **USE OF POSTAL FACILITIES IN THE REGISTRY**

- 18.1 Applications together with the requisite documents may be posted to: The Admiralty and Commercial Registry Room E200 Royal Courts of Justice Strand London WC2A 2LL
- 18.2 In addition to the classes of business for which the use of postal facilities is permitted by the CPR or the Commercial Court Guide, the filing of the following classes of documents shall also be permitted in Admiralty matters:
  - (1) Requests for notices of caveats
  - (2) Preliminary Acts
  - (3) Claims in References
  - (4) Agreements between solicitors under paragraph 12 of this practice direction.
- 18.3 Documents sent by post for filing must be accompanied by two copies of a list of the documents sent and an envelope properly addressed to the sender.
- 18.4 On receipt of the documents in the Registry, the court officer will, if the circumstances are such that had the documents been presented personally they would have been filed, cause them to be filed and will, by post, notify the sender that this has been done. If the documents would not have been accepted if presented personally the court officer will not file them but will retain them in the Registry for collection by the sender and will, by post, so inform the sender.
- 18.5 When documents received through the post are filed by the court officer they will be sealed and entered as filed on the date on which they were received in the Registry.

## **DRAWING UP OF ORDERS**

- 19 All orders made in Admiralty proceedings will be drawn up by the parties unless otherwise ordered by the court.

## ASSESSORS

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- 20.1 The usual practice in the Admiralty Court is to sit with Assessors when hearing collision claims or other cases involving issues of navigation or seamanship and the parties will not normally be permitted to call expert witnesses on matters of navigation or seamanship where the court sits with Assessors. The Assessors will usually be Trinity Masters. Parties should indicate at the Case Management Conference whether they consider that the case is suitable for Assessors and whether Assessors other than Trinity Masters would be appropriate.
- 20.2 Provision is made in CPR 35.15 for assessor's remuneration. The usual practice is for the court to seek an undertaking from the claimant (or appellant) to pay the remuneration on demand after the case has concluded.

# ADMIRALTY FORMS

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ADM1*	Claim form (in rem)
ADM1A	Claim form (in personam)
ADM1B*	Notes for claimant on completing an in rem claim form
DM1C*	Notes for defendant on replying to an in rem claim form
ADM2*	Acknowledgment of service for admiralty claims in rem (use N9A/B/C/D for forms of admission and defence)
ADM3*	Preliminary act
ADM4*	Application and undertaking for arrest and custody
ADM5*	Form of declaration (affidavit) in support of application for warrant of arrest
ADM6*	Notice to consular officer of intention to apply for warrant of arrest
ADM7*	Request for caveat against arrest
ADM8*	Request caveat to prevent arrest after constitution of a limitation fund
ADM9*	Warrant of arrest
ADM10*	Standard directions by admiralty registrar to admiralty marshal
ADM11*	Request for caveat against release of property
ADM12*	Application and undertaking for release
ADM13*	Application for judgment in default
ADM14*	Order for sale of a ship
ADM15*	Claim form (admiralty limitation claim)
ADM15A*	Notes for claimant on completing a claim form in an admiralty limitation action
ADM15B*	Notes for defendant on replying to an admiralty limitation action
ADM16*	Admission (admiralty limitation action)
ADM16A*	Defence (admiralty limitation action)
ADM16B*	Acknowledgment of service (admiralty limitation claim)
ADM 17*	Application for restricted decree of limitation
ADM 18*	Restricted decree of limitation
ADM 19*	General limitation decree
ADM 20*	Claim against limitation fund
ADM 21*	Declaration as to inability of a defendant to file and serve statement of case under a decree of limitation
ADM 22*	Notice of appeal against Registrar's determination on reference

\*Available on the Court Service web site ([www.courtservice.gov.uk](http://www.courtservice.gov.uk)).





## Claim Form (Admiralty claim in rem)

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claim No.

Issue date

Admiralty claim in rem against

SEAL

of the Port of

Claimant

Defendant(s)

Brief details of claim

The Admiralty Registry within the Royal Courts of Justice, Strand, London WC2A 2LC is open between 10am and 4.30pm Monday to Friday. District Registries with Admiralty jurisdiction are open between 10am and 4.00pm.  
Please address all correspondence to the admiralty registry and quote the claim number.

ADM1 Claim form (Admiralty action in rem) (4.99)

*Printed on behalf of The Court Service*

Claim No.

Particulars of Claim (attached)(to follow)

**Statement of Truth**

\*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement

Full name \_\_\_\_\_

Name of claimant's solicitor's firm \_\_\_\_\_

signed \_\_\_\_\_ position or office held \_\_\_\_\_

\*(Claimant)(Litigation friend)(Claimant's solicitor) (if signing on behalf of firm or company)

\*delete as appropriate

Claimant's or claimant's solicitor's address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

## Notes for Claimant on completing an IN REM claim form

**Further information may be obtained from the Admiralty & Commercial Registry, room E200 Royal Courts of Justice, London, WC2A 2LL. Tel. 0171 936 6112 Fax. 0171 936 6245.**

Please read all these guidance notes before you begin completing the claim form. The notes follow the order in which information is required on the form.

You may only issue an IN REM claim form in the Admiralty Court of the High Court (The High Court means either a District Registry attached to a County Court or the Royal Courts of Justice in London).

Staff can help you fill in the claim form and give information about the procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example, about the likely success of your claim or the evidence you need to prove it, you should contact a solicitor or a Citizens Advice Bureau.

If you are filling in the claim form by hand, please use black ink and write in block capitals.

Copy the completed claim form and the defendant's notes for guidance so that you have one copy for yourself, one copy for the court and one copy for each Defendant. **You will need an additional copy of the claim form if you are seeking to arrest a vessel.** Send or take the forms to the court office with the appropriate fee. The court will tell you how much this is.

**N.B. The time for filing an Acknowledgment of Service in an IN REM claim is within 14 days of service of the CLAIM FORM irrespective of whether or not the PARTICULARS OF CLAIM are served with it. The CLAIM FORM must therefore be served with the forms on which the defendant may reply to your claim.**

## Notes on completing the claim form

### Heading

You should add to the heading the name of the court in which you are issuing:

either 'Royal Courts of Justice' or

'..... District Registry'

*(inserting name of the District Registry)*

### Ship and port details

You should supply the name of the vessel or vessels you are proceeding against and the **Port of Registry** (not the Port where the vessel may be berthed). If you do not know the Port of Registry you should insert 'port of registry unknown'. If you are proceeding in addition or separately against other property, e.g. cargo, you should describe it.

### Claimant details

As the person issuing the claim, you are called the 'claimant'. The person you are suing is called the 'defendant'. Claimants who are under 18 years old (unless otherwise permitted by the court), or patients within the meaning of the Mental Health Act 1983, must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

The Claimant in an in rem claim, whether or not an individual, may be named or described. If not named, you must provide a name upon the request of any other party. If described rather than named you must still give an address. See below as to the appropriate address.

Descriptions that may be used are 'The owners of the ship 'X' or 'The owners of cargo lately laden on board the vessel 'Y'. Court staff can advise you of other acceptable descriptions.

You must provide the following information about yourself according to the capacity in which you are suing. When suing as:-

#### **an individual by name:**

All known forenames and surname, (whether Mr, Mrs, Miss, Ms or Other e.g. Dr) and residential address (including postcode and telephone number) in England and Wales.

**an individual by name who is under 18** write '(a child by Mr John Smith his litigation friend)' after the child's name

#### **a patient within the meaning of the mental Health Act 1983**

write "(by Mr John Smith his litigation friend)" after the patient's name

#### **as an individual trading under another name**

you must add the words "trading as" and the trading name e.g. "Mr John Smith trading as Smith's Groceries"

#### **in a representative capacity**

you must say what that capacity is e.g. "Mr John Smith as the representative of Mrs Mary Smith (deceased)"

#### **in the name of a club or other unincorporated association**

add the words "suing on behalf of" followed by the name of the club or other unincorporated association.

#### **a firm**

Enter the name of the firm followed by the words "a firm" e.g. "Bandbox - a firm" and an address for service which is either a partner's residential address or the principal or last known place of business.



**a corporation (other than a company)**

Enter the full name of the corporation and the address which is either its principal office or any other place where the corporation carries on activities and which has a real connection with the claim

**a company registered in England and Wales:**

Enter the name of the company and an address which is either the company's registered office or any place of business that has a real, or the most, connection with the claim.

**an overseas company (defined by s744 of the Companies Act 1985):**

Enter the name of the company and either the address registered under s691 of the Act or the address of the place of business having a real or the most, connection with the claim

**Defendant details**

The defendant **must** be described and not named.

'The owners and/or demise charterers of the ship 'Z', unless it is known that the ship either is, or is not, under demise charter when the claim can be issued simply against 'the owners of the ship 'Z' or 'the demise charterers of the ship 'Z'

In ownership and/or possession actions, the defendant may be described as 'all other persons claiming ownership and/or possession of the ship 'A'.

When action is taken against cargo and/or freight the defendant may be described as 'owners of cargo now or lately laden on board the ship 'X' together with the freight earned thereon.

The defendant in an action against the proceeds of a Judicial sale by the Admiralty Marshal should be described as 'the owners of the proceeds of sale of the vessel 'Y'

Permutations of the above can be used as appropriate. The Court staff will advise you as necessary.

**Brief details of claim**

Note: the facts and full details about your claim should be set out in the 'particulars of claim' (see note under 'Particulars of Claim').

You must set out under **this** heading:

- a concise statement of the nature of your claim in rem
- the remedy you are seeking
- if your claim is for money, the amount you are claiming
- the amount of any interest you are claiming

If your claim is in foreign currency you should endorse the claim form with a certificate as to the sterling equivalent. Court staff will inform you of the appropriate certificate.

**Particulars of claim**

You may include your particulars of claim on the claim form in the space provided or in a separate document which you should head 'Particulars of Claim'. It should include the names and/or descriptions of the parties, the court, the claim number and your address for service and also contain a statement of truth. You should keep a copy for yourself, provide one for the court and one for each defendant.

Separate particulars of claim can either be served

- with the claim form **or**
- within 75 days after the date on which the claim form was served, provided that the service of the particulars of claim is not later than 12 months from the date of issue of the claim form.

Note: If the particulars of claim are not contained or served with the claim form you must include the following statement "Particulars of claim will follow if an acknowledgment of service is filed indicating an intention to defend the claim."

**Your particulars of claim must include**

- a concise statement of the facts on which you rely
- a statement (if applicable) to the effect that you are seeking aggravated damages or exemplary damages
- details of any interest which you are claiming
- any other matters required for your type of claim as set out in the relevant practice directions

**Note: You are not required to complete and serve particulars of claim if your claim is in respect of a collision between ships.**

**Address for documents**

Insert in this box the address at which you wish to receive documents and/or payments, if different from the address you have already given under the heading 'Claimant'. The address must be in England or Wales. If you are willing to accept service by DX, fax or e-mail, add details

**Statement of truth**

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the claimant is a registered company or a corporation the claim must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company or (in the case of a corporation) the mayor, chairman, president or town clerk.

## Notes for defendant on replying to an in REM claim form

**Please read these notes carefully - they may help you decide what to do about this claim. Further information can be obtained from the Admiralty & Commercial Registry, Royal Courts of Justice, Strand, London, WC2A 2LL.**

You must file an acknowledgment of service within 14 days of the date of service of the Claim Form on your property (or a Solicitor acting on your behalf) irrespective of whether or not particulars of claim are served with it

If you do not file an acknowledgment of service, judgment may be given against you and if the property described on the claim form is under arrest of this court, it may be sold by order of the court.

You may either:

- pay the amount claimed
- provide security for the claim in a form acceptable to the Claimant
- admit that you owe all or part of the claim and ask for time to pay or
- dispute the claim.

The notes below tell you what to do.

The response pack, which should accompany the claim form, will tell you which forms to use for your reply.

Court staff can help you complete the forms of reply and tell you about court procedures. But they cannot give legal advice. If you need legal advice, for example about the likely success of disputing the claim, you should contact a solicitor or a Citizens Advice Bureau immediately.

**Costs and Interest:** Additional costs and interest may be added to the amount claimed on the front of the claim form if judgment is given against you.

**Once your completed acknowledgment of service is received by the court, the claimant will send you the particulars of claim, unless previously sent to you.**

## Your response and what happens next

### How to pay

Do not bring any payments to the court - they will not be accepted.

When making payments to the claimant, quote the claimant's reference (if any) and the claim number.

Make sure that you keep records and can account for any payments made. Proof may be required if there is any disagreement. It is not safe to send cash unless you use registered post.

### Admitting the Claim

#### Claim for specified amount

**If you admit all the claim,** take or send the money, including any interest and costs, to the claimant at the address given for payment on the claim form within 14 days of receipt of the particulars of claim.

**If you admit all the claim and you are asking for time to pay,** complete Form N9A and send it to the claimant at the address given for payment on the claim form, within 14 days of receipt of the particulars of claim. The claimant will decide whether to accept your proposal for payment. If it is accepted, the claimant may request a judge to give judgment against you and you will be sent an order to pay. If your offer is not accepted, the judge will decide how you should pay or, if your vessel is under arrest, may order that your vessel be sold in order to satisfy the judgment.

**If you admit only part of the claim,** complete Form N9A and Form N9B (see "Disputing the Claim" overleaf) send them to the court within 14 days of receipt of the particulars of claim. At the same time send copies of the completed Forms N9A and N9B to the claimant who will decide whether to accept your part admission. If it is accepted, the claimant may request a judge to give judgment against you and the court will send you an order to pay or, if your vessel is under arrest, order that your vessel be sold in order to satisfy the judgment. If your part admission is not accepted, the case will proceed as a defended claim.

#### Claim for unspecified amount

**If you admit liability for the whole claim but do not make an offer to satisfy the claim,** complete Form N9C and send it to the court within 14 days of receipt of the particulars of claim. At the same time send a copy of the completed Form N9C to the claimant within the same period. The claimant may request a Judge to give judgment against you for an amount to be decided by the court, and costs. If your vessel is under arrest, the Judge may at the same time order that your vessel be sold.

**If you admit liability for the claim and offer an amount of money to satisfy the claim,** complete form N9C and send it to the court within 14 days of receipt of the particulars of claim. At the same time send a copy of the completed Form N9C to the claimant. The claimant must indicate within 14 days if the offer is acceptable

and send you a copy. If a reply is not received, the claim will be stayed. If the amount you have offered is **accepted**, the claimant may request a Judge to give judgment against you for that amount.

If you have requested time to pay which is not accepted by the claimant, the rate of payment will be decided by the court, or, if your vessel is under arrest the court may order the vessel to be sold by the court.

**If your offer in satisfaction is not accepted.**

The claimant may apply to the court for judgment against you for an amount to be decided by the court, and costs.

If your vessel is under arrest, order that your vessel be sold. You and the claimant will be sent a copy of the court's order.

## Disputing the claim

**If you are being sued as an individual for a specified amount of money and you dispute the claim**, the claim may be transferred to your home court i.e. the one nearest your home or your solicitor's business address if different from the court where the claim was issued.

**If you need longer than 14 days to prepare your defence or to contest the court's jurisdiction to try the claim**, completion of the acknowledgment of service form will allow you 28 days from the date of service of the particulars of claim to serve your defence or make an application to contest the court's jurisdiction. The court will tell the claimant that your acknowledgment of service has been received.

**If the case proceeds as a defended claim**, the action will be allocated to the multi-track and the claimant will apply for a date to be fixed for a Case Management Conference before a Judge. You and the claimant will be required to file a completed case management information sheet at least 7 days before the Conference.

**Further details are available from the Admiralty & Commercial Registry.**

If your vessel is under the arrest of the court and you are disputing the claim you may nevertheless obtain the release of the vessel if you are able to offer security for the claim in a form acceptable by the claimant.

### Claim for specified amount

**If you wish to dispute the full amount claimed or wish to claim against the claimant (a counterclaim)**, complete Form N9B and send it to the court within 14 days of receipt of the particulars of claim. Send a copy of the completed Form N9B to the claimant within the same period.

**If you admit part of the claim**, complete the defence Form N9B and the Admission Form N9A and send them to the court within 14 days of receipt of the particulars of claim. At the same time send copies of the completed Forms N9B and N9A to the claimant within the same period.

**If you dispute the claim because you have already paid it**, complete Form N9B and send it to the court within 14 days of receipt of the particulars of claim. At the same time send a copy of the completed Form N9B to the claimant within the same period. The claimant will decide whether to proceed with the claim or withdraw it and notify the court and you within 28 days. If the claimant wishes to proceed, the case will proceed as a defended claim.

### Claim for unspecified amount/non-money claims

**If you dispute the claim or wish to claim against the claimant (counterclaim)**, complete Form N9D and send it to the court within 14 days of receipt of the particulars of claim. At the same time send a copy of the completed Form N9D to the claimant.

### Personal injuries claims:

If the claim is for personal injuries and the claimant has attached a medical report to the particulars of claim, in your defence you should state whether you:

- agree with the report **or**
- dispute all or part of the report **and** give your reasons for doing so **or**
- neither agree nor dispute the report **or**
- have no knowledge of the report

Where you have obtained your own medical report, you should attach it to your defence.

**If the claim is for personal injuries and the claimant has attached a schedule of past and future expenses and losses, in your defence you must state which of the items you:**

- agree **or**
- dispute **and** supply alternative figures where appropriate **or**
- neither agree nor dispute or have no knowledge of

## Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate.

Where the defendant is a **registered company or a corporation** the response must be signed by either the director, treasurer, secretary, chief executive, manager or other officer of the company **or** (in the case of a corporation) the mayor, chairman, president or town clerk.

## Response Pack

### Admiralty claim in rem

You should read the 'notes for defendant' attached to the claim form which will tell you when and where to send the forms

Included in this pack are:

- either **Admission Form N9A** (if the claim is for a specified amount) or **Admission Form N9C** (if the claim is for an unspecified amount or is not a claim for money)
- either **Defence and Counterclaim Form N9B** (if the claim is for a specified amount) or **Defence and Counterclaim Form N9D** (if the claim is for an unspecified amount or is not a claim for money)
- **Acknowledgment of service** (see below)

You are required to complete an Acknowledgment of Service form within 14 days from service of the Claim Form on you whether or not Particulars of claim are served with the Claim Form.

#### Complete

If you admit the claim or the amount claimed and/or you want time to pay	the admission form
If you admit part of the claim	the admission form and the defence form
If you dispute the whole claim or wish to make a claim (a counterclaim) against the claimant	the defence form
If you need longer than 14 days to prepare your defence or to contest the court's jurisdiction to try the claim, completion of the acknowledgment of service form will allow you 28 days from service of particulars of claim to do so	the acknowledgment of service
If you do nothing, the claimant may ask a judge to give judgment against you and, if your vessel is under arrest, also request that your vessel be sold	

## Acknowledgment of Service

### Admiralty claim in rem

Description of defendant(s) :-

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

**Claim No.**

**Claimant(s)**  
(including ref.)

**Defendant(s)**

Full name of person described above:-

Nature of ownership of property

The court office at

is open between 10am and 4.30pm Monday to Friday. Please address forms or letters to the Court Manager and quote the claim number.

ADM2 Acknowledgment of Service (4.99)

Printed on behalf of The Court Service

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Address to which documents about this claim should be sent (including reference if appropriate)

		if applicable		
		fax no.		
		DX no.		
Tel. no.	Postcode		e-mail	

**If you do not file an acknowledgment of service within 14 days of the claim form on you, whether or not particulars of claim are served with it, judgment may be given against you.**

**Tick the appropriate box**

1. I intend to defend all of this claim ☐
2. I intend to defend part of this claim ☐
3. I intend to contest jurisdiction ☐

If you file an acknowledgment of service but do not file a defence within 28 days of the date of service of the particulars of claim, judgment may be given against you.

If you do not file an application within 28 days of the date of service of the particulars of claim it will be assumed that you accept the court's jurisdiction and judgment may be given against you.

**Signed**

(Defendant)(Defendant's Solicitor)  
(Litigation friend)

**Position or  
office held**

(if signing on  
behalf of firm or  
company)



**Date**

# Admiralty Form No. ADM 3

## Preliminary Act

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Claimant(s)

Defendant(s)

PRELIMINARY ACT ON BEHALF OF .....

### PART 1

1. The names of the ships which came into collision and their ports of registry
2. The length breadth gross tonnage horsepower and draught at the material time of the ship and the nature and tonnage of any cargo carried by the ship
3. The date and time (including the time zone) of the collision

4. The place of the collision
5. The direction and force of the wind
6. The state of the weather
7. The state, direction and force of the tidal or other current
8. The position, the course steered and speed through the water of the ship when the other ship was first seen or immediately before any measures were taken with reference to her presence, whichever was the earlier
9. The lights or shapes (if any) carried by the ship
10. (a) The distance and bearing of the other ship if and when her echo was first observed by radar  
(b) The distance, bearing and approximate heading of the other ship when first seen
11. What light or shape or combination of lights or shapes (if any) of the other ship was first seen



12. What other lights or shapes or combinations of lights or shapes (if any) of the other ship were subsequently seen before the collision, and when
13. What alterations (if any) were made to the course and speed of the ship after the earlier of the two times referred to in article 8 up to the time of collision, and when, and what measures (if any) other than alterations of course or speed, were taken to avoid the collision, and when
14. The heading of the ship, the parts of each ship which first came into contact and the approximate angle between the two ships at the moment of contact
15. What sound signals (if any) were given, and when
16. What sound signals (if any) were heard from the other ship, and when

## PART 2

State:

- (1) that the information in Part 1 is incorporated in Part 2;
- (2) any other facts and matters upon which the party filing this Preliminary Act relies;
- (3) all allegations of negligence or other fault on which the party filing this Preliminary Act relies;
- (4) the relief or remedy which the party filing this Preliminary Act claims

### Statement of Truth

\*(I believe)(The Claimant believes)(The Defendant believes) that the facts stated in this Preliminary Act are true

\*I am duly authorised by the (claimant) (defendant) to sign this statement

Full name.....

Name of claimant's/defendant's solicitor's firm.....

signed..... position or office held.....

\*(Claimant)(Defendant)(s litigation friend) (if signing on behalf of firm or company)

\*delete as appropriate

## Admiralty Form No. ADM 4

### Application and undertaking for arrest & custody

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry

Claim No.

#### Admiralty action in rem against:

The Admiralty Marshal is requested to execute the Warrant in the above action lodged herewith by the arrest  
of (*give details*) .....  
lying/expected to arrive at (*give details*) .....

I (we) undertake personally to pay on demand the fees of the Marshal and all expenses incurred, or to be incurred, by  
him or on his behalf in respect of

1. the arrest, or endeavours to arrest, the property; and
2. the care and custody of it while under arrest; and
3. the release, or endeavours to release it.

Date .....

Signed.....

To be signed by the Solicitor or by his Clerk on his behalf

---

#### Office use only:

I confirm that at: on: no Caveats have been filed or entered against  
the arrest of the above property.

Signed:.....



## Admiralty Form No. ADM 5

### Outline form of Declaration (Affidavit) in support of application for Warrant of Arrest

*Apart from the usual requirements for an affidavit as defined by the Practice Direction supplementing CPR part 32, continue as follows:-*

‘The Claimant’s claim is *(state nature of claim)* I am informed by *(name and occupation of informant)* and verily believe that the Claimant’s claim has not been satisfied.

The property to be arrested is the ship *(name)* of the port of *(port of registry)*.

The amount of security for the claim sought by the Claimant is *(state amount if known)*

The relevant notice (if required)(exhibit No.   ) has been sent to the consular office of *(name of country or State)*.’

*If the claim falls under section 21(4) of the Supreme Court Act 1981 and it does **not** carry a maritime lien or other charge the affidavit should further include :-*

‘The ship *(name of ship to be arrested)* is the ship (or is one of the ships) against which the action is brought and is (or is not) the ship in connection with which the claim in the action arose.

In my belief the person who would be liable on the claim in an action in personam (“the relevant person”) is *(name)*.

The grounds of my belief are *(state them)*.

In my belief *(name of relevant person)* was when the cause of action arose the owner [or the charterer or in possession or control *(as the case may be)* of the ship *(name of the ship in connection with which the claim arose)*. The grounds of my said belief are *(state them)*.

In my belief *(name of relevant person)* was on the *(date claim form was issued)* the beneficial owner of all the shares in the ship *(name of ship in connection with which the claim arose and is the ship to be arrested)* or was the charterer of it under a charter by demise. The grounds of my said belief are *(state them)*

*(OR, if the ship to be arrested is not the one in connection with which the claim arose)*

In my belief *(name of relevant person)* was on the *(date claim form was issued)* the beneficial owner as respects all the shares in the ship *(name of ship to be arrested)*. The grounds of my said belief are *(state them)*’



## Admiralty Form No. ADM 6

### Notice to Consular Officer of intention to apply for Warrant of Arrest.

**To the Consular Officer of** *(name of State)*

**The ship** *(give name)* **of the Port of** *(give details)*

TAKE NOTICE that as solicitors for *(name or description of party seeking arrest)* we did on the  
of 19

(or we intend to) institute proceedings in the Queen's Bench Division, Admiralty Court, of the High Court of Justice against the above-mentioned ship in respect of a claim (or counterclaim) by *(name or description of party seeking arrest)* for *(state nature of claim or counterclaim)* and that we intend to apply to the Admiralty Court to arrest the ship.

**Date** .....

**Signed** .....

Solicitors for





## Admiralty Form No. ADM 7

### Request for Caveat against Arrest

[Description of property giving name, if a ship]

I/We (give name) of  
[Solicitors for of ]  
request a caveat against the arrest of (*description of property giving name, if a ship*) and undertake to acknowledge issue or service of the claim form in any action that may be begun in the High Court of Justice against the (*give name*) and, within 3 days after receiving notice that an action has been begun, to give security in the action in the sum not exceeding (*enter amount*) or to pay that sum into court. I/We consent that the claim form and any other documents in the action may be left for me/us at (*enter address*).

**Date** .....

**Signed** .....



## Admiralty Form No. ADM 8

### Request for Caveat against Arrest after constitution of a Limitation Fund

[Description of property giving name, if a ship]

I/We *(give name)* of  
[Solicitors for of ]  
request a caveat against the arrest of *(description of property giving name, if a ship)*  
having constituted a limitation fund in Claim No. *(give number)* in respect of damage arising from the relevant  
incident, namely *(describe briefly the incident)*

and undertake to acknowledge issue or service of the claim form in any action that  
may be begun against the property described in this request.

I/We consent that the Claim Form and any other document may be left for us at *(enter address)*

**Date** .....

**Signed** .....





## Warrant of Arrest

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claim No.

Admiralty action in rem against:

Claimant(s)

Defendant(s)

ELIZABETH THE SECOND, by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Our other realms and territories Queen, Head of the Commonwealth, Defender of the Faith:

To the Admiralty Marshal of Our High Court of Justice, and to all singular his substitutes, Greeting.

We hereby command you to arrest the ship

of the port of \_\_\_\_\_ and to keep same under arrest until you should receive further orders from Us.

WITNESS

\_\_\_\_\_, Lord High Chancellor of Great Britain,

the \_\_\_\_\_ day of \_\_\_\_\_

The Claimant's claim is for [copy from Claim Form]

Taken out by \_\_\_\_\_

Solicitors for the \_\_\_\_\_

## Certificate as to Service

On the      day of

the within-named ship

lying at

was arrested by virtue of

for a short time on\*

of the said ship, and on taking off the process, by leaving a copy thereof fixed in its place.

Signed \_\_\_\_\_ Date \_\_\_\_\_

\*State on  
which part of  
the outside of  
the ship's  
superstructure

## Admiralty Form No.ADM 10

### Standard Directions to the Admiralty Marshal.

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Admiralty action in rem against:

Claimant(s)

Defendant(s)

**IT IS ORDERED** that the Admiralty Marshal be at liberty at any time:-

- (a) to take measures to preserve the ship (*give details*) its machinery and equipment;
- (b) to move the ship up to 5 miles within the limits of the port where it is lying under arrest, either for its safety or to comply with the requirements of the Port Authority;
- (c) to supply the minimum victuals, domestic fuel and water necessary to avoid hardship to the crew.

**Date**

The Admiralty Registrar





## Admiralty Form No.ADM 11

### Request for Caveat against Release

[Description of property giving name, if a ship)]

I/We \_\_\_\_\_ of \_\_\_\_\_

[Solicitors for \_\_\_\_\_ of \_\_\_\_\_ ]

request the entry of a caveat against the release of the above-named property or it's proceeds of sale paid into court by the Admiralty Marshal.

The intending caveator claims to have a right of action in rem against the above-mentioned property or proceeds of sale for *(state nature of claim in rem and the approximate amount claimed, if known)*

**Date** .....

**Signed** .....



## Admiralty Form No.ADM 12

### Application and undertaking for release

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

#### Admiralty action in rem against:

The Admiralty Marshall is requested to release in the above action the *(give details)*  
lying *(give details)*

I (we) personally undertake to pay the fees of the Marshall and all expenses incurred, or to be incurred, by him or on his behalf in respect of:

1. the arrest, or endeavours to arrest the property; and
2. the care and custody of it while under arrest; and
3. it's release, or endeavours to release it

Date .....

Signed .....

To be signed by the Solicitor or by his Clerk on his behalf

---

#### Office use only:

I confirm that at: on: no Caveats have been filed or entered against  
release of the above property.

Signed.....





## Claim Form (Admiralty limitation claim)

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claim No.

Issue date

Claimant(s)

SEAL

Defendant(s)

Details of limitation claim *(see also overleaf)*

Named defendant's name and address

The Admiralty Registry within the Royal Courts of Justice, Strand, London WC2A 2LC is open between 10am and 4.30pm Monday to Friday. District Registries with Admiralty jurisdiction are open between 10am and 4pm.  
Please address all correspondence to the admiralty registry and quote the claim number.

ADM15 Claim form Admiralty limitation claim(4.99)

*Printed on behalf of The Court Service*



# Admiralty Form No.ADM 14

## Order for sale of a ship

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Admiralty action in rem against:

Claimant(s)

Defendant(s)

**BEFORE**

**UPON HEARING**

and upon reading the written evidence of *(give details)*

(And no acknowledgment of service and/or defence or preliminary act having been filed on behalf of the defendant(s)]

**IT IS ORDERED** that:

- (1) the ship *(give details)* be appraised and sold by the Admiralty Marshal (before judgment (if applicable))
- (2) the Admiralty Marshal chose one or more experienced persons to appraise the vessel and certify its true value in writing.

- (3) the Admiralty Marshal sell the vessel on his conditions of sale for the highest price that can be obtained for it, but not for less than the certified value without an order of court.
- (4) the Admiralty Marshal pay the proceeds of sale of the vessel into court.
- (5) on completion of the sale the Admiralty Marshal countersign and file the certificate of value together with an account of his fees and expenses.
- (6) the Solicitors on behalf of the claimant (or as may be) within (*give details*) give to the Admiralty Marshal a personal undertaking to pay on demand the fees and expenses of the Marshal incurred by him or on his behalf in respect of the appraisement and sale of the property, or of endeavours to appraise or to sell the property.

[OR BE SOLD IN SUCH OTHER WAY AS THE COURT MADE ORDER]

**Date**





## Claim Form (Admiralty limitation claim)

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claim No.

Issue date

Claimant(s)

SEAL

Defendant(s)

Details of limitation claim *(see also overleaf)*

Named defendant's name and address

The Admiralty Registry within the Royal Courts of Justice, Strand, London WC2A 2LC is open between 10am and 4.30pm Monday to Friday. District Registries with Admiralty jurisdiction are open between 10am and 4pm.  
Please address all correspondence to the admiralty registry and quote the claim number.

ADM15 Claim form Admiralty limitation claim(4.99)

*Printed on behalf of The Court Service*

Claim No.	
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Details of limitation claim *(continued)*

Statement of Truth

\*(I believe)(The Claimant believes) that the facts stated in these particulars of claim are true.

\* I am duly authorised by the claimant to sign this statement.

Full name \_\_\_\_\_

Name of claimant’s solicitor’s firm \_\_\_\_\_

signed \_\_\_\_\_ position or office held \_\_\_\_\_

\*(Claimant)(Litigation friend)(Claimant’s solicitor) (if signing on behalf of firm or company)

\*delete as appropriate

Claimant’s or claimant’s solicitor’s address to which documents or payments should be sent if different from overleaf including (if appropriate) details of DX, fax or e-mail.

## Notes for claimant on completing a claim form in an admiralty limitation claim

Further information may be obtained from the Admiralty and Commercial Registry, room E200 Royal Courts of Justice, London, WC2A 2LL. Tel. 0171 936 6112 Fax. 0171 936 6245.

Please read all these guidance notes before you begin completing the claim form. The notes generally follow the order in which information is required on the form.

You may only issue an Admiralty Limitation Claim Form in the Admiralty Court of the High Court (The High Court means either a District Registry (attached to a County Court) or the Royal Courts of Justice in London.)

Staff can help you fill in the claim form and give information about the procedure once it has been issued. But they cannot give legal advice. If you need legal advice, for example about the likely success of your claim or the evidence you need to prove it, you should contact a solicitor or a Citizens Advice Bureau.

If you are filling in the claim form by hand, please use black ink and write in block capitals.

You should file a sworn declaration at the court with your completed claim form:

- proving the facts you rely on in your claim; and
- stating the names and addresses (if known) of all persons who to your knowledge have claims against you in respect of the occurrence to which the claim relates (other than named defendants)

Copy the completed claim form, the defendant's notes for guidance and your sworn declaration so that you have one copy for yourself, one for the court and one for each 'named' defendant (see defendant details below). Send or take the forms to the court office with the appropriate fee. The court will tell you how much this is.

Each named defendant must be served with copies of the claim form, notes for guidance, your declaration and a response pack (ADM Form Nos 15, 15A, 15B, 16 and 16A)

## Notes on completing the claim form

### Heading

You should add to the heading the name of the court in which you are issuing:

either 'Royal Courts of Justice' or

'..... District Registry'

(inserting name of the District Registry)

### Defendant details

At least one of the defendants in a limitation claim **must** be named.

All other defendants may be described e.g. "and all other persons claiming or being entitled to claim damages by reason of, or rising out of the collision between the ship "Alpha" and the ship "Omega" which occurred in the English Channel on or about the 6th October, 1999"

### Claimant and named defendant details

The Claimant must be named not described.

As the person issuing the claim, you are called the "claimant"; the person you are suing is called the "defendant". Claimants who are under 18 years old (unless otherwise permitted by the court) and patients within the meaning of the Mental Health Act 1983 must have a litigation friend to issue and conduct court proceedings on their behalf. Court staff will tell you more about what you need to do if this applies to you.

You must provide the following information about yourself **and** the named defendants according to the capacity in which you are suing and in which the defendant is being sued.

When suing or being sued as :-

**an individual:** All known forenames and surname, (whether Mr, Mrs, Miss, Ms or Other e.g. Dr) and residential address (**including** postcode and telephone no. and any fax or e-mail number) in England and Wales. Where the defendant is a proprietor of a business, a partner in a firm or an individual sued in the name of a club or other unincorporated association, the address for service should be the usual or last known place of residence **or** principal place of business of the company, firm or club or other unincorporated association.

**Where the individual is: under 18** write "(a child by Mr. John Smith his litigation friend)" after the child's name.

If the child is conducting proceedings on their own behalf write "(a child)" after the child's name.

**a patient within the meaning of the Mental Health Act 1983** write "(by Mr. John Smith his litigation friend)" after the patient's name.

**trading under another name** you must add the words "trading as" and the trading name e.g. Mr. John Smith trading as Smith's Groceries".

**suing or being sued in a representative capacity** you must say what that capacity is e.g. "Mr. John Smith as the representative of Mrs Mary Smith (deceased).

**suing or being sued in the name of a club or other unincorporated association** add the words "suing/sued on behalf of" followed by the name of the club or other unincorporated association.

**a firm** enter the name of the firm followed by the words “a firm” e.g. “Bandbox - a firm” and an address for service which is either a partner’s residential address or the principal or last known place of business.

**a corporation (other than a company)** enter the full name of the corporation and the address which is either its principal office **or** any other place where the corporation carries on activities and which has a real connection with the claim.

**a company registered in England and Wales** enter the name of the company and an address which is either the company’s registered office **or** any place of business that has a real, or the most, connection with the claim.

**an overseas company (defined by s744 of the Companies Act 1985)** enter the name of the company and either the address registered under s691 of the Act **or** the address of the place of business having a real, or the most, connection with the claim.

## Address for documents

Insert in this box the address at which you wish to receive documents, if different from the address you have already given under the heading “Claimant”. The address you give must be either that of your solicitors or your residential or business address and must be in England and Wales. If you live or carry on business outside of England and Wales, you can give some other address within England and Wales. If you are willing to accept service by DX, fax or e-mail, add details.

## Details of claim

Under this heading you must set out:

- a brief description of the incident for which you are claiming to have your liability limited, including the date and place of the incident
- that your claim is limited to the provisions of the Merchant Shipping Act 1995
- that you are seeking all necessary and proper directions for the purposes of ascertaining and distributing the amount of your liability between the parties who are entitled to receive it.

## Named defendant’s name and address

Enter in this box the full name and address of the named defendant(s) to be served with the claim form (ie. one claim form for each defendant)

**An Admiralty Limitation Claim form may NOT be served outside of England & Wales unless:**

- (a) the case falls within section 22(2)(a) to (c) of the Supreme Court Act 1981; or
- (b) the defendant has submitted to or agreed to submit to the jurisdiction of the Admiralty Court; or
- (c) the Admiralty Court has jurisdiction over such claim under any applicable Convention

## Notes for defendant (admiralty limitation claim)

**Please read these notes carefully - they will help you decide what to do about this claim.**

**Further information may be obtained from the Admiralty and Commercial Registry, Room E200, Royal Courts of Justice, Strand, London WC2A 2LL. Tel: 0171 936 6112. Fax: 0171 936 6245.**

You have only a limited time to reply to this claim - the notes below tell you what to do.

You may either:

- dispute the court's jurisdiction or contend that the court should not exercise it
- admit the claimant's right to limit liability
- dispute the claim

The response pack, which should accompany the claim form, will tell you which forms to use for your reply

If you **do not** respond in any way the court may grant the claimant a Limitation Decree in your absence

**Court staff can tell you about procedures but they cannot give legal advice. If you need legal advice, you should contact a solicitor or Citizens Advice Bureau immediately.**

## Responding to this claim

### Time for responding

You have from the date the claim form was served on you: 14 days to file an acknowledgment of service disputing the court's jurisdiction

**or**

28 days to file a completed defence or admission of the claimant's right to limit liability

(or, if the claim form was served outside of England and Wales, within the time specified by RSC Order 11 r.1A.)

If the claim form was:

- sent by post, the date of service is taken as the second day after posting (see date of postmark on the envelope)
- delivered or left at your address, the date of service will be the day after it was delivered.
- handed to you personally, the date of service will be the day it was given to you.

### Completing the acknowledgment of service

You should tick either

- Box A - if you dispute the court's jurisdiction **or**
- Box B - if you contend that the court should not exercise its jurisdiction

**and complete all** the other details on the form.

You should send the completed form to the court and at the same time send a copy to the claimant.

You should file also an application at the court within 14 days of filing of your acknowledgment of service. The court will arrange a hearing date for the application.

If you do not file the application you will be treated as having accepted that the court has jurisdiction to hear the claim.

### Completing the admission

You should complete admission form ADM16 and send it to the court and at the same time send a copy to the claimant. The claimant may file an application for the court to issue a restricted limitation decree limiting liability against any of the named defendants in the claim form who have filed an admission.

### Completing the defence

You should file defence form ADM16A at the court and at the same time send a copy to the claimant. Within 7 days of filing of your defence (or filing of defence of other named defendants or expiry of the time for doing so) the claimant must apply for an appointment before the Admiralty Registrar for a case management conference. The court will give directions at this appointment for the future conduct of the case.

### Statement of truth

This must be signed by you, by your solicitor or your litigation friend, as appropriate

### If you do nothing

The claimant may apply for a limitation decree against you.



## Notice of admission of right of claimant to limit liability

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claimant(s)

Claim No.

Defendant(s)

TAKE NOTICE THAT pursuant to Part Y, rule 8.1(7) Admiralty Proceedings, the following defendant(s) *(name them)*

admit the right of the claimant in this action to limit their liability in accordance with the provisions of *(give details of the relevant Act)*

Signed

Date

# Defence to admiralty limitation claim

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claimant(s)

Claim No.

Defendant(s)

You have a limited number of days to file and serve this form. See notes for guidance attached to the claim form.

## Signed

(To be signed by  
you or by your  
solicitor or  
litigation friend)

\*(I believe)(The defendant believes) that the facts  
stated on this form are true. \* I am duly authorised by  
the defendant to sign this statement

*\*delete as appropriate*

## Position or office held

(if signing on  
behalf of firm  
or company)

## Date

Give an  
address to  
which notices  
about this case  
can be sent to  
you

Postcode

Tel. no.

if applicable

fax no.

DX no.

e-mail



## Response Pack

(Admiralty Limitation claim)

You should read the 'notes for defendant' attached to the claim form which will tell you when and where to send the forms

Included in this pack are:

Admission Form  
ADM16

Defence Form  
ADM16A

Acknowledgment of service  
(see below)

Complete

If you wish to dispute the court's jurisdiction or argue that the court should not exercise its jurisdiction

the acknowledgment of service

If you admit the right of the claimant to limit liability

the admission form

If you dispute the claim

the defence form

If you do nothing, the claimant may apply for a restricted limitation decree against you

## Acknowledgment of Service

(Admiralty limitation claim)

Defendant's full name if different from the name given on the claim form

.....

.....

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court

Claim No.

Claimant  
(including ref.)

Defendant

Address to which documents about this claim should be sent (including reference if appropriate)

		if applicable	
		fax no.	
		DX no.	
Tel. no.	Postcode	e-mail	

### Tick the appropriate box

A I intend to dispute jurisdiction ☐

B I intend to argue that the court should not exercise its jurisdiction ☐

You should file an application at the court within 14 days of service of this acknowledgment of service or you will be treated as having accepted the court's jurisdiction.

Signed

(Defendant)(Defendant's solicitor)  
(Litigation friend)

Position or  
office held

(if signing on  
behalf of firm or  
company)

Date

The Admiralty Registry within the Royal Courts of Justice, Strand, London WC2A 2LC is open between 10am and 4.30pm Monday to Friday. District Registries with Admiralty jurisdiction are open between 10am and 4pm.  
Please address all correspondence to the admiralty registry and quote the claim number.

ADM16B Response Pack (4.99)

Printed on behalf of The Court Service



# Admiralty Form No.ADM 17

## Application for restricted Decree of Limitation

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Claimant(s)

Defendant(s)

TAKE NOTICE that the claimants will apply to the Admiralty Registrar on the  
at am/pm for:

- (1) leave (if necessary) to amend the claim form in this action so that the defendants are only those named defendants that have admitted the claimant's right to limit liability under the Merchant Shipping Act 19...
- (2) a Decree of Limitation pursuant to the Merchant Shipping Act 19.. restricted to their liabilities against the above-named defendants described in paragraph (1) above.
- (3) an Order that the fund in court be paid out and distributed as follows: *(give details)*
- (4) the costs of this application be

Date .....

To: The Defendants as above.



# Admiralty Form No. ADM 18

## Restricted Decree of Limitation

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

**Claimant(s)**

**Defendant(s)**

*(restricted to those defendants  
who have admitted claimant's  
right to limit liability)*

**BEFORE**

**UPON CONSENT** of the claimants and the above-named defendants

**AND UPON** reading the written evidence of

**IT IS ORDERED BY DECREE** that by reason of the Merchant Shipping Act 19

1. the claimants are not answerable in damages in respect of claims by the above-named defendants or persons claiming through or under them, beyond the amount of Special Drawing Rights, in respect of the loss, damage and delay caused to any property or to the infringement of any rights through the claimants' act or omission or through the act or omission of any person on board the vessel *(give name)* in the navigation or management of the *(give name)* when the *(give name)* collided with the *(give name)* in the *(give details)* on the *(give date)* .
2. the limitation tonnage of the *(give name)* ascertained in accordance with the provisions of the Merchant Shipping Act 19 is *(enter figure)* tonnes, that the amount of the Limitation Fund calculated in accordance with the Act is Special Drawing Rights and that the liability of the claimants to the above named defendants is £ *(enter amount)* together with simple interest thereon from the *(enter date of collision)* to this day and no more *(or as may be agreed between the parties to the action)* .

3. the claimants having constituted a limitation fund by payment into court of the said amount on *(enter date of payment into court)* all further proceedings against them by the above-named defendants arising out of this occurrence be stayed.
4. the fund in court including all accrued interest to the date of payment out be paid out and distributed as follows: *(give details)*
5. the costs of this application be

**Date**

# Admiralty Form No. ADM 19

## Decree of Limitation

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Claimant(s)

Defendant(s)

**BEFORE**

**UPON HEARING** Solicitors (Counsel) for the claimants and defendants

**AND UPON** reading the written evidence of

**IT IS ORDERED BY DECREE** that by reason of the Merchant Shipping Act 19

1. the claimants are not answerable in damages beyond the amount of *(give amount)* Special Drawing Rights, in respect of the loss, damage and delay caused to any property or to the infringement of any rights through their act or omission or through the act or omission of any person on board the *(give name)* in the navigation or management of the *(give details)* when the *(give name)* collided with the *(give name)* on the *(give date)*
2. the limitation tonnage of the *(give name)* ascertained in accordance with the provisions of the Merchant Shipping Act 19 is *(enter amount)* tonnes, that the amount of the Limitation Fund calculated in accordance with the Act is Special Drawing Rights and that the liability of the claimants is £ *(enter amount)* together with simple interest thereon from the *(enter date of the collision)* to this day and no more.
3. the claimants having constituted a Limitation Fund by payment into court of the amount on the *(enter date of payment into court)*, all further proceedings in any action against them arising out of this occurrence be stayed.

4. after deduction of the above amount together with the simple interest thereon, the remainder of amount paid into court by the claimants on the *(give date of payment into court)*, and any interest accrued thereon be paid out to the claimants.
5. the claimants place a single advertisement in each of three newspapers, namely *(give details of newspapers)* identifying the action and specifying the decree made in this action and further specifying a period of *(state period)* for the filing of claims and the issue of applications to set the decree aside.
6. the sum of £ *(enter amount)* together with the simple interest thereon be rateably distributed among the several persons who make out their claims against the fund and that within 7 days of the time for filing claims or declarations, the Admiralty Registrar will fix a date for a case management conference at which directions will be given for the further conduct of the proceedings.
7. the costs of this application be

**Date**



## Admiralty Form No.ADM 20

### Defendant's Claim in a Limitation Action

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Claimant(s)

Defendant(s)

The defendants' claim is for damages arising out of the above-mentioned collision. On *(give date)*, the claimants were granted a decree limiting their liability for the collision to Special Drawing Rights. Due to the collision the defendants suffered damage and loss as follows; *(give details)*

with interest pursuant to section 35A of the Supreme Court Act 1981 and costs.

**To the Claimants and their Solicitors.**

**To all other Defendants and their Solicitors.**

## Statement of Truth

\*(I believe)(The claimant believes)(The defendant believes) that the facts stated in this Preliminary Act are true

\*I am duly authorised by the (claimant) (defendant) to sign this statement

Full name.....

Name of claimant's/defendant's solicitor's firm.....

signed..... position or office held.....

\*(Claimant)(Defendant)(‘s litigation friend) (if signing on behalf of firm or company)

\*delete as appropriate

## Admiralty Form No. ADM 21

### Outline form of Declaration (Affidavit) as to inability of a Defendant to file and serve Statement of Case under a Decree of Limitation

*Apart from the usual requirements for an affidavit as defined by the Practice Direction supplementing CPR part 32, continue as follows:-*

“The (intended) defendant (*give name*) is unable to file and serve a statement of case within the time fixed under the Decree of Limitation made in this action on the (*give date*) as he requires further information to enable him to decide whether or not to dispute the claimant’s right to limit liability in the following respects: (*state them*)

**OR**

“The (intended) defendant (*give name*) requires a further (*give period*) in which to file and serve an application to set aside the said Decree of Limitation (*state reasons for request*)”

**OR**

“The (intended) defendant (*give name*) requires a further (*give period*) in which to file and serve his statement of case under the said Decree of Limitation (*state reasons for request*)”



## Admiralty Form No.ADM 22

### Notice of Appeal against Registrar's Decision on a Reference

In the High Court of Justice  
Queen's Bench Division  
Admiralty Court  
( District Registry)

Claim No.

Admiralty action in rem against:

Claimant(s)

Defendant(s)

TAKE NOTICE that the claimants (or defendants) will make an application on the of  
at am/pm, (by Counsel) that:

- (1) the decision of the Admiralty Registrar dated (*give date*) upon the claimant(s) (or defendant(s)) claim in the reference be (set aside or varied by (*specify the variation sought*) (or as the case may be).
- (2) the costs of this application be

Date

