

# PRACTICE DIRECTION – ADMIRALTY CLAIMS

## THIS PRACTICE DIRECTION SUPPLEMENTS CPR PART 61

### 61.1 – SCOPE

- 1.1 The practice direction supplementing Part 58 (Commercial Claims) also applies to Admiralty claims except where it is inconsistent with Part 61 or this practice direction.

### CASE MANAGEMENT

- 2.1 After a claim form is issued the Registrar will issue a direction in writing stating –
  - (1) whether the claim will remain in the Admiralty Court or be transferred to another court; and
  - (2) if the claim remains in the Admiralty Court –
    - (a) whether it will be dealt with by –
      - (i) the Admiralty judge; or
      - (ii) the Registrar; and
    - (b) whether the trial will be in London or elsewhere.
- 2.2 In making these directions the Registrar will have regard to –
  - (1) the nature of the issues and the sums in dispute; and
  - (2) the criteria set in rule 26.8 so far as they are applicable.
- 2.3 Where the Registrar directs that the claim will be dealt with by the Admiralty judge, case management directions will be given and any case management conference or pre-trial review will be heard by the Admiralty judge.

### 61.3 – CLAIMS IN REM

- 3.1 A claim form in rem must be in Form ADM1.
- 3.2 The claimant in a claim in rem may be named or may be described, but if not named in the claim form must identify himself by name if requested to do so by any other party.
- 3.3 The defendant must be described in the claim form.
- 3.4 The acknowledgment of service must be in Form ADM2. The person who acknowledges service must identify himself by name.
- 3.5 The period for acknowledging service under rule 61.3(4) applies irrespective of whether the claim form contains particulars of claim.

- 3.6 A claim form in rem may be served in the following ways:
- (1) on the property against which the claim is brought by fixing a copy of the claim form –
    - (a) on the outside of the property in a position which may reasonably be expected to be seen; or
    - (b) where the property is freight, either –
      - (i) on the cargo in respect of which the freight was earned; or
      - (ii) on the ship on which the cargo was carried;
  - (2) 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 claim form with that person;
  - (3) where the property has been sold by the Marshal, by filing the claim form at the court;
  - (4) where there is a notice against arrest, on the person named in the notice as being authorised to accept service;
  - (5) on any solicitor authorised to accept service;
  - (6) in accordance with any agreement providing for service of proceedings; or
  - (7) in any other manner as the court may direct under rule 6.8 provided that the property against which the claim is brought or part of it is within the jurisdiction of the court.
- 3.7 In claims where the property –
- (1) is to be arrested; or
  - (2) is already under arrest in current proceedings,
- the Marshal will serve the in rem claim form if the claimant requests the court to do so.
- 3.8 In all other cases in rem claim forms must be served by the claimant.
- 3.9 Where the defendants are described and not named on the claim form (for example as 'the Owners of the Ship X'), any acknowledgment of service in addition to stating that description must also state the full names of the persons acknowledging service and the nature of their ownership.
- 3.10 After the acknowledgment of service has been filed, the claim will follow the procedure applicable to a claim proceeding in the Commercial list except that the claimant is allowed 75 days to serve the particulars of claim.
- 3.11 A defendant who files an acknowledgment of service to an in rem claim does not lose any right he may have to dispute the jurisdiction of the court (see rule 10.1(3)(b) and Part 11).
- 3.12 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.

## 61.4 – COLLISION CLAIMS

- 4.1 A collision statement of case must be in form ADM3.
- 4.2 A collision statement of case must contain –
  - (1) in Part 1 of the form, answers to the questions set out in that Part; and
  - (2) in Part 2 of the form, a statement –
    - (a) of any other facts and matters on which the party filing the collision statement of case relies;
    - (b) of all allegations of negligence or other fault which the party filing the collision statement of case makes; and
    - (c) of the remedy which the party filing the collision statement of case claims.
- 4.3 When he files his collision statement of case each party must give notice to every other party that he has done so.
- 4.4 Within 14 days after the last collision statement of case is filed each party must serve a copy of his collision statement of case on every other party.
- 4.5 Before the coming into force of Part 61, a collision statement of case was known as a Preliminary Act and the law relating to Preliminary Acts will continue to apply to collision statements of case.

## 61.5 – ARREST

- 5.1 An application for arrest must be –
  - (1) in form ADM4 (which must also contain an undertaking); and
  - (2) accompanied by a declaration in form ADM5.
- 5.2 When it receives an application for arrest that complies with the rules and the practice direction the court will issue an arrest warrant.
- 5.3 The declaration required by rule 61.5(3)(b) must be verified by a statement of truth and must state –
  - (1) in every claim –
    - (a) 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;
    - (b) 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
    - (c) the amount of the security sought, if any.
  - (2) in a claim against a ship by virtue of section 21(4) of the Supreme Court Act 1981 –

- (a) the name of the person who would be liable on the claim if it were not commenced in rem;
  - (b) that the person referred to in sub-paragraph (a) was, when the right to bring the claim arose –
    - (i) the owner or charterer of; or
    - (ii) in possession or in control of, the ship in connection with which the claim arose; and
  - (c) that at the time the claim form was issued the person referred to in sub-paragraph (a) was either –
    - (i) the beneficial owner of all the shares in the ship in respect of which the warrant is required; or
    - (ii) the charterer of it under a charter by demise;
  - (3) in the cases set out in rules 61.5 (5) and (6) that the relevant notice has been sent or served, as appropriate; and
  - (4) 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 considering the claim by reason of section 166(2) of that Act.
- 5.4 The notice required by rule 61.5(5)(a) must be in form ADM6.
- 5.5 Property is arrested –
- (1) by service on it of an arrest warrant in form ADM9 in the manner set out at paragraph 3.6(1); or
  - (2) where it is not reasonably practicable to serve the warrant, by service of a notice of the issue of the warrant –
    - (a) in the manner set out in paragraph 3.6(1) on the property; or
    - (b) by giving notice to those in charge of the property.
- 5.6 When property is arrested the Registrar will issue standard directions in form ADM10.
- 5.7 The Marshal does not insure property under arrest.

## **61.7 – CAUTIONS AGAINST ARREST**

- 6.1 The entry of a caution against arrest is not treated as a submission to the jurisdiction of the court.
- 6.2 The request for a caution against arrest must be in form ADM7.
- 6.3 On the filing of such a request, a caution against arrest will be entered in the Register.

- 6.4 The Register is open for inspection when the Admiralty and Commercial Registry is open.

### **61.8 – RELEASE AND CAUTIONS AGAINST RELEASE**

- 7.1 The request for a caution against release must be in form ADM11.
- 7.2 On the filing of such a request, a caution against release will be entered in the Register.
- 7.3 The Register is open for inspection when the Admiralty and Commercial Registry is open.
- 7.4 A request for release under rule 61.8(4)(c) and (d) must be in form ADM12.
- 7.5 A withdrawal of a caution against release must be in form ADM12A.

### **61.9 – JUDGMENT IN DEFAULT**

- 8.1 An application notice for judgment in default must be in form ADM13.

### **61.10 – SALE BY THE COURT AND PRIORITIES**

- 9.1 Any application to the court concerning –
- (1) the sale of the property under arrest; or
  - (2) the proceeds of sale of property sold by the court will be heard in public and the application notice served on –
    - (a) all parties to the claim;
    - (b) all persons who have requested cautions against release with regard to the property or the proceeds of sale; and
    - (c) the Marshal.
- 9.2 Unless the court orders otherwise an order for sale will be in form ADM14.
- 9.3 An order for sale before judgment may only be made by the Admiralty judge.
- 9.4 Unless the Admiralty judge orders otherwise, a determination of priorities may only be made by the Admiralty judge.
- 9.5 When –
- (1) proceeds of sale are paid into court by the Marshal; and
  - (2) such proceeds are in a foreign currency,
- the funds will be placed on one day call interest bearing account unless the court orders otherwise.

- 9.6 Unless made at the same time as an application for sale, or other prior application, an application to place foreign currency on longer term deposit may be made to the Registrar.
- 9.7 Notice of the placement of foreign currency in an interest bearing account must be given to all parties interested in the fund by the party who made the application under paragraph 9.6.
- 9.8 Any interested party who wishes to object to the mode of investment of foreign currency paid into court may apply to the Registrar for directions.

### **61.11 – LIMITATION CLAIMS**

- 10.1 The claim form in a limitation claim must be –
  - (1) in form ADM15; and
  - (2) accompanied by a declaration –
    - (a) setting out the facts upon which the claimant relies; and
    - (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),
 verified by a statement of truth.
- 10.2 A defence to a limitation claim must be in form ADM16A.
- 10.3 A notice admitting the right of the claimant to limit liability in a limitation claim must be in form ADM16.
- 10.4 An acknowledgment of service in a limitation claim must be in form ADM16B.
- 10.5 An application for a restricted limitation decree must be in form ADM17 and the decree issued by the court on such an application must be in form ADM18.
- 10.6 An application for a general limitation decree must be in form ADM17A.
- 10.7 Where –
  - (1) the right to limit is not admitted; and
  - (2) the claimant seeks a general limitation decree in form ADM17A,
 the claimant must, within 7 days after the date of the filing of the defence of the defendant last served or the expiry of the time for doing so, apply for an appointment before the Registrar for a case management conference.
- 10.8 On an application under rule 61.11(12) the Registrar may –
  - (1) grant a general limitation decree; or
  - (2) if he does not grant a decree –

- (a) order service of a defence;
  - (b) order disclosure by the claimant; or
  - (c) make such other case management directions as may be appropriate.
- 10.9 The fact that a limitation fund has lapsed under rule 61.11(20)(a) does not prevent the establishment of a new fund.
- 10.10 Where a limitation fund is established, it must be –
- (1) the sterling equivalent of the number of special drawing rights to which [the claimant] claims to be entitled to limit his liability under the Merchant Shipping Act 1995; together with
  - (2) interest from the date of the occurrence giving rise to his liability to the date of payment into court.
- 10.11 Where the claimant does not know the sterling equivalent referred to in paragraph 10.10(1) on the date of payment into court he may –
- (1) calculate it on the basis of the latest available published sterling equivalent of a special drawing right as fixed by the International Monetary Fund; and
  - (2) in the event of the sterling equivalent of a special drawing right on the date of payment into court 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, will be treated, except for the purpose of the rules relating to the accrual of interest on money paid into court, as if made on the date of that payment into court; or
    - (b) apply to the court for payment out of any excess amount (together with any interest accrued) paid into court.
- 10.12 An application under paragraph 10.11(2)(b) –
- (1) may be made without notice to any party; and
  - (2) must be supported by evidence proving, to the satisfaction of the court, the sterling equivalent of the appropriate number of special drawing rights on the date of payment into court.
- 10.13 The claimant must give notice in writing to every named defendant of –
- (1) any payment into court specifying –
    - (a) the date of the payment in;
    - (b) the amount paid in;
    - (c) the amount and rate of interest included; and
    - (d) the period to which it relates; and

- (2) any excess amount (and interest) paid out to him under paragraph 10.11(2)(b).
- 10.14 A claim against the fund must be in form ADM20
- 10.15 A defendant's statement of case filed and served in accordance with rule 61.11(15) must contain particulars of the defendant's claim.
- 10.16 Any defendant who is unable to file and serve a statement of case in accordance with rule 61.11(15) and paragraph 10.15 must file a declaration, verified by a statement of truth, in form ADM21 stating the reason for his inability.
- 10.17 No later than 7 days after the time for filing claims [or declarations], the Registrar will fix a date for a case management conference at which directions will be given for the further conduct of the proceedings.
- 10.18 Nothing in rule 61.11 prevents limitation being relied on by way of defence.

## **PROCEEDING AGAINST OR CONCERNING THE INTERNATIONAL OIL POLLUTION COMPENSATION FUND**

- 11.1 For the purposes of section 177 of the Merchant Shipping Act 1995 ('the Act') and the corresponding provision of Schedule 4 to the Act, the Fund may be given notice of proceedings by any party to a claim against an owner or guarantor in respect of liability under –
- (1) section 153 or section 154 of the Act; or
  - (2) the corresponding provisions of Schedule 4 to the Act
- by that person serving a notice in writing on the Fund together with copies of the claim form and any statements of case served in the claim.
- 11.2 The Fund may intervene in any claim to which paragraph 11.1 applies, (whether or not served with the notice), by serving notice of intervention on the –
- (1) owner;
  - (2) guarantor; and
  - (3) court.
- 11.3 Where a judgment is given against the Fund in any claim under –
- (1) section 175 of the Act; or
  - (2) the corresponding provisions of Schedule 4 to the Act,
- the Registrar will arrange for a stamped copy of the judgment to be sent to the Fund by post.
- 11.4 Notice to the Registrar of the matters set out in –
- (1) section 176(3)(b) of the Act; or

- (2) the corresponding provisions of Schedule 4 to the Act, must be given by the Fund in writing and sent to the court.

## OTHER CLAIMS

- 12.1 This section applies to Admiralty claims which, before the coming into force of Part 61, would have been called claims *in personam*. Subject to the provisions of Part 61 and this practice direction relating to limitation claims and to collision claims, the following provisions apply to such claims.
- 12.2 All such claims will proceed in accordance with Part 58 (Commercial Court).
- 12.3 The claim form must be in Form ADM1A and must be served by the claimant.
- 12.4 The claimant may be named or may be described, but if not named in the claim form must identify himself by name if requested to do so by any other party.
- 12.5 The defendant must be named in the claim form.
- 12.6 Any person who files a defence must identify himself by name in the defence.

## REFERENCES TO THE REGISTRAR

- 13.1 The court may at any stage in the claim refer any question or issue for determination by the Registrar (a 'reference').
- 13.2 Unless the court orders otherwise, where a reference has been ordered –
- (1) if particulars of claim have not already been served, the claimant must file and serve particulars of claim on all other parties within 14 days after the date of the order; and
  - (2) any party opposing the claim must file a defence to the claim within 14 days after service of the particulars of claim on him.
- 13.3 Within 7 days after the defence is filed, the claimant must apply for an appointment before the Registrar for a case management conference.

## UNDERTAKINGS

- 14.1 Where, in [Part 61] or this practice direction, any undertaking to the Marshal is required it must be given –
- (1) in writing and to his satisfaction; or
  - (2) in accordance with such other arrangements as he may require.
- 14.2 Where any party is dissatisfied with a direction given by the Marshal in this respect he may apply to the Registrar for a ruling.



# Claim Form (Admiralty claim in rem)

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

	<i>for court use only</i>
<b>Claim No.</b>	
<b>Issue date</b>	

Admiralty claim in rem against

of the Port of

Claimant

Defendant

Brief details of claim



The Admiralty Registry within the Royal Courts of Justice, Strand, London WC2A 2LL is open between 10am and 4.30pm Monday to Friday. Please address all correspondence to the Admiralty Registry and quote the claim number.

ADM1 Claim form (Admiralty claim in rem) (03.02)

<b>Claim No.</b>	
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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)(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.



# Claim Form (Admiralty claim)

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

	<i>for court use only</i>
Claim No.	
Issue date	

Claimant(s)



Defendant(s)

Name and address of Defendant receiving this claim form

The court office at the Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL is open between 10 am and 4.30 pm Monday to Friday. When corresponding with the court, please address forms or letters to the Court Manager and quote the claim number.

ADM1A Claim form (admiralty claim) (03.02)

<b>Claim No.</b>	
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Brief details of claim

Particulars of claim (\*attached)(\*will follow if an acknowledgment of service is filed that indicates an intention to defend the claim)

**Statement of Truth**

\*(I believe)(The Claimant believes) that the facts stated in this claim form \*(and the particulars of the claim attached to this claim form) 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)(’s solicitor) (if signing on behalf of firm, company or corporation)

*\*delete as appropriate*

Claimant’s or 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 defendant on replying to an admiralty claim form

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 Court Guide**

### Your response and what happens next

- In every case you should file the acknowledgment of service form within 14 days of the date of service on your property (or a solicitor acting on your behalf).
- Complete the acknowledgment of service form ADM2 within the time stated and send it to The Admiralty and Commercial Registry, Royal Courts of Justice, Strand, London WC2A 2LL.
- If you do not file an acknowledgment of service, judgment may be entered against you and if the property described in the claim form is under arrest, it may be sold by order of the court. Additional costs and interest may be added.

### Address where notices can be sent

- In the acknowledgment of service you must give your full name if it was not stated on the claim form and an address to which notices and document relating to this claim must be sent.
- **This must be an address in England or Wales.**
- The address must be either your solicitor's address, you own residential or business address, or (if you live elsewhere) some other address. Any address given must be in England or Wales.

### Disputing the jurisdiction

If you wish to dispute the court's jurisdiction to try the claim you must:

- complete the acknowledgment of service form and send it to the court within \*(14 days) (     ); and
- make any application to contest the court's jurisdiction as soon as possible and in any event within 28 days (2 months in the case of a collision claim) after filing your acknowledgment of service

### Disputing the claim

If you wish to dispute the claim you must:

- file an acknowledgment of service within \*(14 days) (     ); and
- serve a defence within the period stated in the acknowledgment of service

*\*Claimant should alter as appropriate if the claim form is to be served out of the jurisdiction together with the particulars of claim - see CPR rule 6.20*

## Acknowledgment of Service (Admiralty claim)

Description of defendant(s) :-

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<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>	
<b>Claim No.</b>	
<b>Claimant(s)</b> <small>(including ref.)</small>	
<b>Defendant(s)</b>	

Full name of person described above:-

.....

.....

Nature of ownership of property

Address in England or Wales 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 being served on you, and 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; or
- a collision statement of case within 2 months (in the case of a collision 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 (2 months in the case of a collision claim) it will be assumed that you accept the court's jurisdiction and judgment may be given against you.

**Signed**   
(Defendant)(Defendant's Solicitor)

**Position or office held**   
(if signing on behalf of firm or company)

**Date**

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 (03.02)

# Collision statement of case

<b>In the High Court of Justice Queen’s Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

Claimant(s)

Defendant(s)

**Collision statement of case 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 |  |

ADM3 Collision statement of case (03.02)

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 collision statement of case relies;
- (3) all allegations of negligence or other fault on which the party filing this collision statement of case relies;
- (4) the relief or remedy which the party filing this collision statement of case claims.

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**Statement of Truth**

\*(I believes)(The Claimant believes)(The defendant believes) that the facts stated in this collision statement of case 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.....

\*(Claimant)(Defendant) (solicitor)

position or office held.....

(if signing on behalf of firm or company)

**\*delete as appropriate**

## Application and undertaking for arrest and custody

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>
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<b>Claim No.</b>	
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### Admiralty claim in rem against:

The Admiralty Marshal is requested to execute the Warrant in the above claim 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.

I (we) request that a search be made in the Register before the warrant is issued to determine whether there is a caution against arrest in force in respect of the above property.

### Date

**Signed**.....

To be signed by the Solicitor

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### Office use only:

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

**Signed**.....

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ADM4 Application and undertaking for arrest and custody (03.02)

## Declaration in support of application for warrant of arrest

'The claimant's claim is *(state nature of claim)*

I am informed by *(name and occupation of informant)* 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 declaration should further include:-*

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

The person who would be liable on the claim in an action in personam ("the relevant person") is *(name)* .

When the right to bring the claim arose *(name of relevant person)* was (the owner or charterer)(in possession or in control) *(as the case may be)* of the ship *(name of the ship in connection with which the claim arose)* .

*(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.

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ADM5 Declaration in support of application for warrant of arrest (03.02)

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

*(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)*.

In establishing that the court is not prevented from considering the claim by reason of section 166(2) of the Merchant Shipping Act 1995, the facts relied on are:

Statement of Truth

\**(I believe)**(The claimant believes)* that the facts stated in this declaration form are true.

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

Full Name

Name of claimant's solicitor's firm

signed

*(Claimant)**(Claimant's solicitor)*

position or office held

*(If signing on behalf of a firm or company)*

\*delete as appropriate

## 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 \_\_\_\_][20 \_\_\_\_]

(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

---

ADM6 Notice to Consular Officer of intention to apply for warrant of arrest (03.02)

## Request for caution against arrest

[Description of property giving name, if a ship]

I/We *(give name)*  
of

[Solicitors for  
of

]

request a caution against the arrest of *(description of property giving name, if a ship)*

[and undertake to acknowledge service of the claim form in any claim that may be begun in the High Court of Justice against the *(give name)* and, within 3 days after receiving notice that a claim has been issued, to give security in the claim in the sum not exceeding *(enter amount)* or to pay that sum into court.]

[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 service of the claim form in any claim that may be begun against the property described in this request.]

I/We consent that the claim form and any other documents in the claim may be left for me/us at *(enter address)*

Date

Signed .....

ADM7 Request for caution against arrest(03.02)



# Warrant of Arrest

<b>In the High Court of Justice  Queen's Bench Division  Admiralty Court</b>	
<b>Claim No.</b>	

Admiralty claim 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 \_\_\_\_\_

ADM9 Warrant of arrest (03.02)

## 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

## Standard Directions to the Admiralty Marshal

In the High Court of Justice Queen's Bench Division Admiralty Court	
Claim No.	

Admiralty claim in rem against:

Claimant(s)

Defendant(s)

IT IS ORDERED that the Admiralty Marshal may at any time:-

(a) take measures to preserve the ship (*give details*)

its machinery and equipment;

(b) 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) supply the minimum victuals, domestic fuel and water necessary to avoid hardship to the crew.

Date

The Admiralty Registrar

## Request for caution against Release

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

I/We  
of

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

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

The applicant for a caution claims to have an in rem right 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 .....

---

ADM11 Request for caution against release

# Request and undertaking for release

<b>In the</b>	<b>High Court of Justice Queen's Bench Division Admiralty Court</b>
<b>Claim No.</b>	

Admiralty claim in rem against:

The Admiralty Marshal is requested to release from arrest in the above claim the *(give details)*

lying *(give details)*

I (We) personally undertake to pay 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. it's release, or endeavours to release it.

Date

Signed .....

To be signed by the Solicitor

**Office use only:**

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

Signed.....

ADM12 Request and undertaking for release (03.02)

# Request for withdrawal of caution against release

<b>In the</b>	<b>High Court of Justice Queen's Bench Division Admiralty Court</b>
<b>Claim No.</b>	

Admiralty claim in rem against:

I/We  
of

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

]

request that the caution entered on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ against the release of the above-named property or the proceeds of its sale into court by the Admiralty Marshal, be withdrawn

Dated the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signed .....

# Application for judgment in default of filing an acknowledgment of service and/or defence or collision statement of case

In the	High Court of Justice Queen's Bench Division Admiralty Court
Claim No.	

Admiralty claim in rem against:

Claimant(s)

Defendant(s)

To the Defendant(s) and/or all persons who have entered cautions against release.

TAKE NOTICE that the claimant(s) will make an application on the \_\_\_\_\_ of \_\_\_\_\_ at \_\_\_\_\_ am/pm, at \_\_\_\_\_ by Counsel for an order that:

- (1) Judgment in default of filing an acknowledgment of service (and/or defence) (or collision statement of case) be given for the claimant(s) in the sum of \_\_\_\_\_ with interest (or in an amount to be assessed) and for the costs of this claim including the costs of this application to be (summarily) assessed if not agreed.
- (2) *(if applicable)* The vessel *(give name)* be appraised and sold by the Admiralty Marshal. (see Form ADM14 for the terms of the order for sale)

Date

ADM13 Application for judgment in default of filing an acknowledgment of service and/or defence or collision statement of case(03.02)

## Order for sale of a ship

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

### Admiralty claim 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 collision statement of case 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 choose 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 appraisal 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 MAY ORDER

Date

]

ADM14 Order for sale of a ship



# Claim Form (Admiralty limitation claim)

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

	<i>for court use only</i>
<b>Claim No.</b>	
<b>Issue date</b>	

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. Please address all correspondence to the admiralty registry and quote the claim number.

**ADM15** Claim form Admiralty limitation claim (03.02)

<b>Claim No.</b>	
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Details of limitation claim *(continued)*

Statement of Truth

\*(I believe)(The Claimant believes) that the facts stated in these details 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)(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 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: 020 7947 6112. Fax: 020 7947 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 General 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 CPR Rule 6.22)

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 or by your solicitor, 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

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>
--

<b>Claim No.</b>	
------------------	--

Claimant(s)

Defendant(s)

TAKE NOTICE THAT, the following defendant(s) *(name them)*

admit the right of the claimant(s) in this claim to limit his/her/their liability in accordance with the provisions of *(give details of the relevant Act)*

Signed

Date

**ADM16** Notice of admission of right of claimant to limit liability (03.02)

# Defence to admiralty limitation claim

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

Claimant(s)

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)

\*(I believe)(The defendant believes) that the facts stated in 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	

## Acknowledgment of Service (Admiralty limitation claim)

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

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>	
<b>Claim No.</b>	
<b>Claimant(s)</b> <small>(including ref.)</small>	
<b>Defendant(s)</b>	

Address in England or Wales 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)

**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. Please address all correspondence to the Admiralty Registry and quote the claim number.

**ADM16B** Acknowledgment of service (admiralty limitation claim) (03.02)

# Application for restricted limitation decree

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

Claimant(s)

Defendant(s)

TAKE NOTICE that the claimant(s) will apply to the Admiralty Registrar on the \_\_\_\_\_ at \_\_\_\_\_ am/pm at

for:

- (1) permission (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 restricted limitation decree 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 Defendant(s) as above**

ADM17 Application for restricted limitation decree (03.02)

## Application for general limitation decree

<b>In the High Court of Justice Queen's Bench Division Admiralty Court</b>
--

<b>Claim No.</b>	
------------------	--

Claimant(s)

Defendant(s)

TAKE NOTICE that the claimant(s) will apply to the Admiralty Registrar  
on the \_\_\_\_\_ at \_\_\_\_\_ am/pm at

for:

- (1) a general limitation decree
- (2) an Order that the fund in court be paid out and distributed as follows:  
*(give details)*
- (3) the costs of this application be

Date

**To: The Defendant(s) as above**

ADM17A Application for general limitation decree (03.02)

# Restricted limitation decree

<b>In the High Court of Justice Queen’s Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

Claimant(s)

Defendant(s)  
*(restrict 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 *(give 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 claim)* .
  
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 against them by the above-named defendants arising out of this occurrence be stayed.

ADM18 Restricted limitation decree (03.02)

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

# General limitation decree

<b>In the High Court of Justice Queen’s Bench Division Admiralty Court</b>	
<b>Claim No.</b>	

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 vessel *(give name)* in the navigation or management of the *(give name)* 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 *(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 is £ *(enter amount)* together with simple interest thereon from the *(enter date of 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 claim against them arising out of this occurrence be stayed.

ADM19 General limitation decree (03.02)

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 claim and specifying the decree made in this claim 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

## Defendant’s claim in a limitation claim

In the High Court of Justice Queen’s Bench Division Admiralty Court	
Claim No.	

Claimant(s)

Defendant(s)

The defendant’s 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 Claimant(s) and Solicitors.

To all other Defendants and their Solicitors.

**ADM20** Defendant’s claim in a limitation claim (03.02)

**Statement of Truth**

\*(I believe)(The defendant believes) that the facts stated in this defendant's claim are true

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

Full name.....

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

signed..... position or office held.....  
(Defendant)(Defendant's solicitor) (if signing on behalf of firm or company)

\*delete as appropriate

## Declaration as to inability of a defendant to file and serve statement of case under a decree of limitation

“The defendant (*give name*)  
is unable to file and serve a statement of case within the time fixed under the general limitation decree made in this claim 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 defendant (*give name*)  
requires a further (*give period*) in which to file and serve an application to set aside the said general limitation decree (*state reasons for request*)”

**OR**

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

Statement of Truth	
*(I believe)(The defendant believes) that the facts stated in this declaration are true.	
* I am duly authorised by the claimant to sign this statement	
Full name	_____
Name of defendant’s solicitor’s firm	_____
signed _____	position or office held _____
*(Defendant)(Defendant’s solicitor)	(if signing on behalf of firm or company)
*delete as appropriate	

ADM21 Declaration as to inability of a defendant to file and serve statement of case under a decree of limitation (03.02)