

SCHEDULE 2

Paragraph 10(5)

Form 49.6

Rule 49.6(6) and (7)

Form of preliminary act in ship collision action

In the action in which

is Pursuer

and

is Defender

Preliminary Act

for

Pursuer [or Defender]

Court Ref. No:

- (1) *(State the names of the vessels which came into collision, their ports or registry, and the names of their masters.)*
- (2) *(State the date and time of the collision.)*
- (3) *(State the place of the collision.)*
- (4) *(State the direction and force of the wind.)*
- (5) *(State the state of the weather.)*
- (6) *(State the state, direction and force of the tidal or other current.)*
- (7) *(State the magnetic course steered and speed through the water of the vessel when the other vessel was first seen or immediately before any measures were taken with reference to her presence, whichever was the earlier.)*
- (8) *(State the lights (if any) carried by the vessel.)*
- (9) *(State the distance and bearing of the other vessel if and when her echo was first observed by radar.)*
- (10) *(State the distance, bearing and approximate heading of the other vessel when first seen.)*
- (11) *(State what light or combination of lights (if any) of the other vessel when first seen.)*

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- (12) *(State what other lights or combinations of lights (if any) of the other vessel were subsequently seen, before the collision, and when.)*
- (13) *(State what alterations (if any) were made to the course and speed of the vessel after the earlier of the two times referred to in paragraph (7) up to the time of the collision, and when, and what measures (if any), other than alterations of course and speed, were taken to avoid the collision and when.)*
- (14) *(State the parts of each vessel which first came into contact and the approximate angle between the two vessels at the moment of contact.)*
- (15) *(State what sound signals (if any) were given, and when.)*
- (16) *(State what sound signals (if any) were heard from the other vessel and when.)*

(Signed by solicitor or Agent)

(Name)

(Address)

(Telephone number)

(Date)

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Form 49.11-A

Rule 49.11(1)(a)(i)

Form of schedule of arrestment of found jurisdiction

Court:

Court Ref. No:

SCHEDULE OF ARRESTMENT TO FOUND JURISDICTION

Date: *(date of execution)*

Time: *(time arrestment executed)*

To: *(name and address of arrestee)*

I, *(name)*, Sheriff Officer, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* containing a warrant for arrestment to found jurisdiction, at the instance of *(name and address of pursuer)* against *(name and address of defender)*, arrest to found jurisdiction against *(name of defender)* in your hands: (i) the sum of *(amount)*, more or less, due by you to *(name of defender)* or to any other person on his *[or her]* *[or its]* *[or their]* behalf; and (ii) all moveable subjects in your hands and belonging or pertaining to *(name of defender)*.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

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NOTE

(Do not use this note where arrestment to found jurisdiction is combined with arrestment on the dependence in one schedule.)

(The name, address and twenty-four hour contact telephone number of the agent for the party on whose behalf the arrestment was executed are to be inserted here.)

(Name of agent)

(Address)

(Telephone number)

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Form 49.11-AA

Rule 49.11(1)(a)(ii)

Form of schedule of arrestment of ship to found jurisdiction

Court:

Court Ref. No:

SCHEDULE OF ARRESTMENT OF SHIP TO FOUND JURISDICTION

Date: *(date of execution)*

Time: *(time arrestment executed)*

I, *(name)*, Sheriff Officer, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* containing a warrant for arrestment to found jurisdiction, at the instance of *(name and address of pursuer)* against *(name and address of defender)*, arrest to found jurisdiction against *(name of defender)* the ship *(name)* presently lying in *(describe location)* and belonging to the defender.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

NOTE

You should consult your legal adviser about the effect of this arrestment.

(The name, address and twenty-four hour contact telephone number of the agent for the party on whose behalf the arrestment was executed are to be inserted here.)

(Name of agent)

(Address)

(Telephone number)

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Form 49.11-B

Rule 49.11(1)(c)

Form of schedule of arrestment *in rem* of ship, cargo or other maritime res to enforce maritime hypothec or lien

Court:

Court Ref. No:

SCHEDULE OF ARRESTMENT *IN REM* IN ADMIRALTY ACTION *IN REM*

Date: *(date of execution)*

Time: *(time arrestment executed)*

I, *(name)*, Sheriff Officer, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* containing a warrant for arrestment *in rem* of the ship *(name of ship)* [*or cargo (describe)*] [*or other maritime res (describe)*] in an Admiralty action *in rem* at the instance of *(name and address of pursuer)* against *(name and address of defender)*, arrest the ship *(name)* presently lying in *(describe current location e.g. the port of X)* with her float, boats, furniture, appurtenances and appurtenances and appurtenances [*or cargo*] [*or other maritime res*] *(describe location)*], to remain in that *(specify more precisely if required)* under arrestment *in rem* until they are sold or until this arrestment is recalled or other order of the sheriff.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

NOTE

You should consult your legal adviser about the effect of this arrestment.

(The name, address and twenty-four hour contact telephone number of the agent for the party on whose behalf the arrestment was executed are to be inserted here.)

(Name of agent)

(Address)

(Telephone number)

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Form 49.11-C

Rule 49.11(1)(d)

Form of schedule of arrestment *in rem* of ship to enforce non-pecuniary claim

Court:

Court Ref. No:

SCHEDULE OF ARRESTMENT *IN REM* OF SHIP UNDER THE ADMINISTRATION OF JUSTICE ACT 1956, SECTION 47(3)(b)

Date: *(date of execution)*

Time: *(time arrestment executed)*

I, *(name)*, Sheriff Officer, by virtue of —

*an interlocutor of the Sheriff at *(place)* on *(date)* granting warrant for arrestment *in rem* under section 47(3)(b) of the Administration of Justice Act 1956 of the ship *(name of ship)* in an action,

*an interlocutor of the Sheriff at *(place)* on *(date)* containing a warrant for arrestment *in rem* under section 47(3)(b) of the Administration of Justice Act 1956 of the ship *(name of ship)*, at the instance of *(name and address of pursuer)* against *(name and address of defender)*, arrest the ship [or vessel] *(name)* presently lying in *(describe current location e.g. the port of X)* with her float, boats, furniture, appurtenances and appurtenances to remain in that *(specify more precisely if required)* under arrestment *in rem* until this arrestment is recalled or other order of the sheriff.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

NOTE

You should consult your legal adviser about the effect of this arrestment.

(The name, address and twenty-four hour contact telephone number of the agent for the party on whose behalf the arrestment was executed are to be inserted here.)

(Name of agent)

(Address)

(Telephone number)

*Delete where not applicable.

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Form 49.11-D

Rule 49.11(1)(c)(ii)

Court:

Court Ref. No:

Form of schedule of arrestment of ship on the dependence

Court: *(date of execution)*

Time: *(time arrestment executed)*

I, *(name)*, Sheriff Officer, by virtue of —

*an interlocutor of the Sheriff at *(place)* on *(date)* granting warrant for arrestment on the dependence of the action at the instance of *(name and address of pursuer)* against *(name and address of defender)*,

*a counterclaim containing a warrant which has been granted for arrestment on the dependence of the claim by *(name and address of creditor)* against *(name and address of debtor)* and dated *(date of warrant)*,

*an interlocutor dated *(date)* granting warrant [for arrestment on the dependence of the action raised at the instance of *(name and address of pursuer)* against *(name and address of defender)*] [or for arrestment on the dependence of the claim in the counterclaim [or third party notice] by *(name and address of creditor)* against *(name and address of debtor)* [or to arrest in the cause of *(name and address of petitioner)* against *(name and address of respondent)*].

arrest the ship *(name of ship)* presently lying in *(describe current location e.g. the port of X)* to remain in that *(more precisely if required)* under arrestment on the dependence of the action [or claim] until further interlocutor of the sheriff.

This I do in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

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NOTE

You should consult your legal adviser about the effect of this arrestment.

(The name, address and twenty-four hour contact telephone number of the agent for the party on whose behalf the arrestment was executed are to be inserted here.)

(Name of agent)

(Address)

(Telephone number)

*Delete where not applicable.

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Form 49.11-E

Rule 49.11(1)(a)(i) and (b)

Form of certificate of execution of arrestment

CERTIFICATE OF EXECUTION

I, *(name)*, Sheriff Officer, certify that I executed *(specify the kind of arrestment, whether on the dependence of an action, counterclaim or third party notice, whether on the authority of an interlocutor (specify), or in execution of a decree (specify))*, [obtained] at the instance of *(name and address of party arresting)* against *(name and address of common debtor)* on *(name of person on whom executed)*—

- * by leaving the schedule of [arrestment] with *(name of defender or other person)* at *(place)* on *(date)*.
- * by leaving the schedule of [arrestment] with *(name and occupation of person with whom left)* at *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available.)*
- * by depositing the schedule of [arrestment] in *(place)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made resides at the place but is not available.)*
- * by leaving the schedule of [arrestment] with *(name and occupation of person with whom left)* at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at the place.)*
- * by depositing the schedule of [arrestment] at *(place of business)* on *(date)*. *(Specify that enquiry made and that reasonable grounds exist for believing that the person on whom service is to be made carries on business at that place.)*
- * by leaving the schedule of [arrestment] with *(registered office or place of business)* on *(date)*, in the hands of *(name of person)*.
- * by leaving [or depositing] the schedule of [arrestment] at *(registered office, official address or place of business)* on *(date)* in such a way that it was likely to come to the attention of *(name of defender or other person on whom served)*. *(Specify how left.)*

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- * by leaving the schedule of [arrestment] with *(name and occupation of person with whom left)* at the office of the sheriff clerk at *(place)* on *(date)* and sending a copy of the schedule by first class post *(defender's last known address)* on *(date)*.

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

Witness

*Delete where not applicable.

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Form 49.11-F

Rule 49.11(1)(a)(ii)

Form of certificate of arrestment of ship to found jurisdiction

CERTIFICATE OF EXECUTION OF ARRESTMENT OF SHIP TO FOUND JURISDICTION

I, *(name)*, Sheriff Officer, certify that I, by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* containing a warrant for arrestment to found jurisdiction, executed an arrestment of the ship *(name)* at the instance of *(name and address of pursuer)* against *(name and address of defender)* by affixing the schedule of arrestment to the mainmast [*or as the case may be*] of the ship *(name)* and marked the initials ER above that affixed schedule at *(place)* on *(date)*.

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

Witness

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Form 49.11-G

Rule 49.11(1)(c) and (d)

Form of certificate of execution of arrestment of ship or cargo *in rem*

CERTIFICATE OF EXECUTION OF ARRESTMENT OF SHIP [OR CARGO] *IN REM*

I, *(name)*, Sheriff Officer, certify that I executed an arrestment *in rem* of the ship [or vessel] *(name)* [or cargo *(describe)*] by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* at the instance of *(name and address of pursuer)* against *(name and address of defender)* by affixing the schedule of arrestment to the mainmast [or as the case may be] of the ship [or vessel] [or in the case of cargo landed or transhipped on *(name)* as custodian for the time being of the cargo [or as harbourmaster of the harbour where the cargo lies]] [and delivering a copy of the schedule of arrestment and of this certificate to *(name)* the master of the ship [or as the case may be] at *(place)* on *(date)*.

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

Witness

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Form 49.11-H

Rule 49.11(1)(c)

Form of certificate of execution of arrestment of ship or cargo on the dependence

CERTIFICATE OF EXECUTION OF ARRESTMENT OF SHIP [OR CARGO] ON THE DEPENDENCE

I, *(name)*, Sheriff Officer, certify that I executed an arrestment on the dependence of the ship [*or vessel*] *(name)* [*or cargo* (*describe*)] by virtue of an interlocutor of the Sheriff at *(place)* on *(date)* at the instance of *(name and address of pursuer)* against *(name and address of defender)* by affixing the schedule of arrestment to the mainmast [*or as the case may be*] of the ship [*or vessel*] *(name)* and marked the initials ER above the same [*or by* (*state method of service*)] at *(place)* on *(date)*.

I did this in the presence of *(name, occupation and address of witness)*.

(Signed)

Sheriff Officer

(Address)

(Signed)

Witness