



# Senior Courts Act 1981

## 1981 CHAPTER 54

### PART II

#### JURISDICTION

#### THE HIGH COURT

#### *Admiralty jurisdiction*

#### **20 Admiralty jurisdiction of High Court.**

- (1) The Admiralty jurisdiction of the High Court shall be as follows, that is to say—
- (a) jurisdiction to hear and determine any of the questions and claims mentioned in subsection (2);
  - (b) jurisdiction in relation to any of the proceedings mentioned in subsection (3);
  - (c) any other Admiralty jurisdiction which it had immediately before the commencement of this Act; and
  - (d) any jurisdiction connected with ships or aircraft which is vested in the High Court apart from this section and is for the time being by rules of court made or coming into force after the commencement of this Act assigned to the Queen's Bench Division and directed by the rules to be exercised by the Admiralty Court.
- (2) The questions and claims referred to in subsection (1)(a) are—
- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein;
  - (b) any question arising between the co-owners of a ship as to possession, employment or earnings of that ship;
  - (c) any claim in respect of a mortgage of or charge on a ship or any share therein;
  - (d) any claim for damage received by a ship;
  - (e) any claim for damage done by a ship;

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- (f) any claim for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or in consequence of the wrongful act, neglect or default of—
- (i) the owners, charterers or persons in possession or control of a ship; or
  - (ii) the master or crew of a ship, or any other person for whose wrongful acts, neglects or defaults the owners, charterers or persons in possession or control of a ship are responsible,
- being an act, neglect or default in the navigation or management of the ship, in the loading, carriage or discharge of goods on, in or from the ship, or in the embarkation, carriage or disembarkation of persons on, in or from the ship;
- (g) any claim for loss of or damage to goods carried in a ship;
- (h) any claim arising out of any agreement relating to the carriage of goods in a ship or to the use or hire of a ship;
- [<sup>F1</sup>(j) any claim—
- (i) under the Salvage Convention 1989;
  - (ii) under any contract for or in relation to salvage services; or
  - (iii) in the nature of salvage not falling within (i) or (ii) above;
- or any corresponding claim in connection with an aircraft;]
- (k) any claim in the nature of towage in respect of a ship or an aircraft;
- (l) any claim in the nature of pilotage in respect of a ship or an aircraft;
- (m) any claim in respect of goods or materials supplied to a ship for her operation or maintenance;
- (n) any claim in respect of the construction, repair or equipment of a ship or in respect of dock charges or dues;
- (o) any claim by a master or member of the crew of a ship for wages (including any sum allotted out of wages or adjudged by a superintendent to be due by way of wages);
- (p) any claim by a master, shipper, charterer or agent in respect of disbursements made on account of a ship;
- (q) any claim arising out of an act which is or is claimed to be a general average act;
- (r) any claim arising out of bottomry;
- (s) any claim for the forfeiture or condemnation of a ship or of goods which are being or have been carried, or have been attempted to be carried, in a ship, or for the restoration of a ship or any such goods after seizure, or for droits of Admiralty.
- (3) The proceedings referred to in subsection (1)(b) are—
- (a) any application to the High Court under the <sup>M1</sup>Merchant Shipping Acts 1894 to 1979 other than an application under [<sup>F2</sup>the Merchant Shipping Act 1995];
  - (b) 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 of or omission to carry out a 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;

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- (c) any action by shipowners or other persons under the [<sup>F3</sup>Merchant Shipping Act 1995] for the limitation of the amount of their liability in connection with a ship or other property.
- (4) The jurisdiction of the High Court under subsection (2)(b) includes power to settle any account outstanding and unsettled between the parties in relation to the ship, and to direct that the ship, or any share thereof, shall be sold, and to make such other order as the court thinks fit.
- (5) Subsection (2)(e) extends to—
- (a) any claim in respect of a liability incurred under the [<sup>F4</sup>Chapter III of Part VI of the Merchant Shipping Act 1995]; and
  - (b) any claim in respect of a liability falling on the [<sup>F5</sup>International Oil Pollution Compensation Fund, or on the International Oil Pollution Compensation Fund 1984, under Chapter IV of Part VI of the Merchant Shipping Act 1995,][<sup>F6</sup>or on the International Oil Pollution Compensation Supplementary Fund 2003,].
- [<sup>F7</sup>(6) In subsection (2)(j)—
- (a) the “Salvage Convention 1989” means the International Convention on Salvage, 1989 as it has effect under [<sup>F8</sup>section 224 of the Merchant Shipping Act 1995];
  - (b) the reference to salvage services includes services rendered in saving life from a ship and the reference to any claim under any contract for or in relation to salvage services includes any claim arising out of such a contract whether or not arising during the provision of the services;
  - (c) the reference to a corresponding claim in connection with an aircraft is a reference to any claim corresponding to any claim mentioned in subparagraph (i) or (ii) of paragraph (j) which is available under section 87 of the Civil Aviation Act 1982.]
- (7) The preceding provisions of this section apply—
- (a) in relation to all ships or aircraft, whether British or not and whether registered or not and wherever the residence or domicile of their owners may be;
  - (b) in relation to all claims, wherever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land); and
  - (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not and whether legal or equitable, including mortgages and charges created under foreign law:

Provided that nothing in this subsection shall be construed as extending the cases in which money or property is recoverable under any of the provisions of the [<sup>F9</sup>Merchant Shipping Act 1995].

#### Textual Amendments

- F1** S. 20(2)(j) substituted (1.1.1995) by virtue of 1994 c. 28, s. 1(6), **Sch. 2 para. 6(2)**; S.I. 1994/2971, art. 2, **Sch.**
- F2** Words in s. 20(3)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(a)(i)** (with s. 312(1))
- F3** Words in s. 20(3)(c) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(a)(ii)** (with s. 312(1))
- F4** Words in s. 20(5)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(b)(i)** (with s. 312(1))

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- F5** Words in s. 20(5)(b) substituted (1.1.1996) by virtue of 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(b)(ii)** (with s. 312(1))
- F6** Words after "1992" inserted (coming into force in accordance with with art. 1(2) of the amending S.I.) by virtue of **The Merchant Shipping (Oil Pollution) (Supplementary Fund Protocol) Order 2006 (S.I. 2006/1265), art. 13**
- F7** S. 20(6) substituted (1.1.1995) by virtue of 1994 c. 28, s. 1(6), **Sch. 2 para. 6(3)**; S.I. 1994/2971, art. 2, **Sch.**
- F8** Words in s. 20(6)(a) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(c)** (with s. 312(1))
- F9** Words in s. 20(7) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 59(2)(d)** (with s. 312(1))

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**Modifications etc. (not altering text)**

- C1** S. 20 extended (Guernsey) (1.12.1993) (with modifications) by S.I. 1993/2664, art. 3, **Sch.**

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**Marginal Citations**

- M1** 1894 c. 60.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(a) word inserted by [2015 c. 2 s. 85\(1\)\(a\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3)(b) and word inserted by [2015 c. 2 s. 85\(1\)\(b\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)
- s. 31(3A)(3B) inserted by [2015 c. 2 s. 85\(2\)](#)