



REPUBLIEK VAN SUID-AFRIKA

# STAATSKOERANT

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# GOVERNMENT GAZETTE

FOR THE REPUBLIC OF SOUTH AFRICA

*As 'n Nuusblad by die Poskantoor Geregistreer*

*Registered at the Post Office as a Newspaper*

**R1,00** Prys • Price  
**R0,10** Plus 10% BTW • VAT  
**R1,10** Verkoopprys • Selling price  
Buitelands **R1,40** Other countries  
Posvry • Post free

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Vol. 325

KAAPSTAD, 1 JULIE 1992

No. 14081

CAPE TOWN, 1 JULY 1992

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KANTOOR VAN DIE STAATSPRESIDENT

STATE PRESIDENT'S OFFICE

No. 1774.

1 Julie 1992

No. 1774.

1 July 1992

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 87 van 1992: Wysigingswet op die Reëling van Admiraliteitsjurisdiksie, 1992.

No. 87 of 1992: Admiralty Jurisdiction Regulation Amendment Act, 1992.

ADMIRALTY JURISDICTION REGULATION  
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## GENERAL EXPLANATORY NOTE:

[ ] Words in bold type in square brackets indicate omissions from existing enactments.

\_\_\_\_\_ Words underlined with a solid line indicate insertions in existing enactments.

# ACT

To amend the Admiralty Jurisdiction Regulation Act, 1983, so as to define or define anew certain expressions; to further regulate court procedure; to extend the powers of the court regarding orders for the attachment of property to found jurisdiction; to make further provision for the sale of arrested property; to make express provision for referring claims against a fund to a referee; and to further regulate the ranking of claims; and to provide for matters connected therewith.

*(Afrikaans text signed by the State President.)*  
*(Assented to 18 June 1992.)*

**B**E IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

## Amendment of section 1 of Act 105 of 1983

1. Section 1 of the Admiralty Jurisdiction Regulation Act, 1983 (hereinafter referred to as the principal Act), is hereby amended—

- (a) by the substitution for the definition of “admiralty action” of the following definition:
- 10 “ ‘admiralty action’ means proceedings in terms of this Act for the enforcement of a maritime claim whether such proceedings are by way of action or by way of any other competent procedure, and includes any ancillary or procedural measure, whether by way of application or otherwise, in connection with any such proceedings;”;
- (b) by the insertion after the definition of “admiralty action” of the following definition:
- 15 “ ‘container’ means a container for the carriage of goods by sea, including any such container which is empty or otherwise temporarily not being used for such carriage;”;
- (c) by the insertion before the definition of “maritime claim” of the following definition:
- 20 “ ‘fund’ means a fund mentioned in section 3(11);”;
- (d) by the substitution for the definition of “maritime claim” of the following definition:
- 25 “ ‘maritime claim’ means any claim for, arising out of or relating to—
- (a) the ownership of a ship or a share in a ship;
- (b) the possession, delivery, employment or earnings of a ship;
- (c) any agreement for the sale of a ship or a share in a ship, or any agreement with regard to the ownership, possession, delivery, employment or earnings of a ship;
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- (d) any mortgage, hypothecation, right of retention, pledge or other charge on or of a ship, and any bottomry or respondentia bond;
  - (e) damage caused by or to a ship, whether by collision or otherwise;
  - (f) loss of life or personal injury caused by a ship or any defect in a ship or occurring in connection with the employment of a ship;
  - (g) loss of or damage to goods (including the baggage and the personal belongings of the master, officers or seamen of a ship) carried or which ought to have been carried in a ship, whether such claim arises out of any agreement or otherwise;
  - (h) the carriage of goods in a ship, or any agreement for or relating to such carriage;
  - (i) any container and any agreement relating to any container;
  - (j) any charter party or the use, hire, employment or operation of a ship, whether such claim arises out of any agreement or otherwise;
  - (k) salvage, including salvage relating to any aircraft and the sharing or apportionment of salvage and any right in respect of property salvaged or which would, but for the negligence or default of the salvor or a person who attempted to salvage it, have been salvaged;
  - (l) towage or pilotage;
  - (m) the supplying of goods or the rendering of services for the employment, maintenance, protection or preservation of a ship;
  - (n) the rendering, by means of any aircraft, ship or other means, of services in connection with the carrying of persons or goods to or from a ship, or the provision of medical or other services to or in respect of the persons on being taken to or from a ship;
  - (o) payments or disbursements by a master, shipper, charterer, agent or any other person for or on behalf of or on account of a ship or the owner or charterer of a ship;
  - (p) the remuneration of, or payments or disbursements made by, or the acts or omissions of, any person appointed to act or who acted or failed to act—
    - (i) as an agent, whether as a ship's, clearing, forwarding or other kind of agent, in respect of any ship or any goods carried or to be carried or which were or ought to have been carried in a ship; or
    - (ii) as a broker in respect of any charter, sale or any other agreement relating to a ship or in connection with the carriage of goods in a ship or in connection with any insurance of a ship or any portion or part thereof or of other property referred to in section 3(5); or
    - (iii) as attorney or adviser in respect of any matter mentioned in subparagraphs (i) and (ii);
  - (q) the design, construction, repair or equipment of any ship;
  - (r) dock, harbour or similar dues;
  - (s) the employment of any master, officer or seaman of a ship in connection with or in relation to a ship, including the remuneration of any such person, and contributions in respect of any such person to any pension fund, provident fund, medical aid fund, benefit fund, similar fund, association or institution in relation to or for the benefit of any master, officer or seaman;
  - (t) general average or any act claimed to be a general average act;
  - (u) marine insurance or any policy of marine insurance, including

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- the protection and indemnity by any body of persons of its members in respect of marine matters;
- (v) the forfeiture of any ship or any goods carried therein or the restoration of any ship or any such goods forfeited;
- 5 (w) the limitation of liability of the owner of a ship or of any other person entitled to any similar limitation of liability;
- (x) the distribution of a fund or any portion of a fund held or to be held by, or in accordance with the directions of, any court in the exercise of its admiralty jurisdiction, or any officer of
- 10 any court exercising such jurisdiction;
- (y) any maritime lien, whether or not falling under any of the preceding paragraphs;
- (z) pollution of the sea or the sea-shore by oil or any other substance on or emanating from a ship;
- 15 (aa) any judgment or arbitration award relating to a maritime claim, whether given or made in the Republic or elsewhere;
- (bb) wrongful or malicious proceedings in respect of or involving any property referred to in section 3(5), or the wrongful or malicious arrest, attachment or detention of any such property, wherever any such proceedings, arrest, attachment or
- 20 detention took place, and whether in the Republic or elsewhere, and any loss or damage contemplated in section 5(4);
- (cc) piracy, sabotage or terrorism relating to property mentioned in section 3(5), or to persons on any ship;
- 25 (dd) any matter not falling under any of the previous paragraphs in respect of which a court of admiralty of the Republic referred to in the Colonial Courts of Admiralty Act, 1890 (53 and 54 Vict c. 27), of the United Kingdom, was empowered to exercise admiralty jurisdiction immediately before the commencement of this Act, or any matter in respect of which a court of the Republic is empowered to exercise admiralty jurisdiction;
- 30 (ee) any other matter which by virtue of its nature or subject matter is a marine or maritime matter, the meaning of the expression marine or maritime matter not being limited by reason of the matters set forth in the preceding paragraphs; and
- 35 (ff) any contribution, indemnity or damages with regard to or arising out of any claim in respect of any matter mentioned above or any matter ancillary thereto, including the attachment of property to found or confirm jurisdiction, the giving or release of any security, and the payment of interest;” and
- (e) by the substitution for subsection (2) of the following subsection:
- 45 “(2) (a) An admiralty action shall for any relevant purpose commence—
- (i) by the service of any process by which that action is instituted;
- (ii) by the making of an application for the attachment of property to found jurisdiction;
- 50 (iii) by the issue of any process for the institution of an action *in rem*;
- (iv) by the giving of security or an undertaking as contemplated in section 3(10)(a).
- (b) An action commenced as contemplated in paragraph (a) shall lapse and be of no force and effect if—
- 55 (i) an application contemplated in paragraph (a)(ii) is not granted or is discharged or not confirmed;
- (ii) no attachment is effected within twelve months of the grant of an order pursuant to such an application or the final decision of the application;

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- (iii) a process contemplated in paragraph (a)(iii) is not served within twelve months of the issue thereof;
- (iv) the property concerned is deemed in terms of section 3(10)(a)(ii) to have been released and discharged.”.

## 5 Amendment of section 3 of Act 105 of 1983

## 2. Section 3 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (b) of subsection (2) of the following paragraph:

10 “(b) whose property within the court’s area of jurisdiction has been attached by the plaintiff or the applicant, to found or to confirm jurisdiction;”;

- (b) by the addition to subsection (5) of the following paragraphs:

15 “(e) any container, if the claim arises out of or relates to the use of that container in or on a ship or the carriage of goods by sea or by water otherwise in that container;

(f) a fund.”;

- (c) by the substitution for subsection (6) of the following subsection:

20 “(6) Subject to the provisions of subsection (9), an action *in rem*, other than such an action in respect of a maritime claim contemplated in paragraph [(a), (b) or (c)] (d) of the definition of ‘maritime claim’, may be brought by the arrest of an associated ship instead of the ship in respect of which the maritime claim arose.”;

- (d) by the substitution for subsection (7) of the following subsection:

25 “(7) (a) For the purpose of subsection (6) an associated ship means a ship, other than the ship in respect of which the maritime claim arose—

30 (i) owned, at the time when the action is commenced, by the person who was the owner of the ship concerned at the time when the maritime claim arose; or

35 (ii) owned, at the time when the action is commenced, [by a company in which the shares, when the maritime claim arose, were controlled or owned] by a person who [then] controlled [or owned the shares in] the company which owned the ship concerned when the maritime claim arose; or

(iii) owned, at the time when the action is commenced, by a company which is controlled by a person who owned the ship concerned, or controlled the company which owned the ship concerned, when the maritime claim arose.

40 (b) For the purposes of paragraph (a)—

(i) ships shall be deemed to be owned by the same persons if [all] the majority in number of, or of voting rights in respect of, or the greater part, in value, of, the shares in the ships are owned by the same persons;

45 (ii) a person shall be deemed to control a company if he has power, directly or indirectly, to control the company;

(iii) a company includes any other juristic person and any body of persons, irrespective of whether or not any interest therein consists of shares.

50 (c) If [a charterer or subcharterer of a ship by demise, and not the owner thereof, is alleged to be liable in respect of a maritime claim] at any time a ship was the subject of a charter-party the charterer or subcharterer, as the case may be, shall for the purposes of subsection (6) and this subsection be deemed to be the owner of the ship concerned in respect of any relevant maritime claim for which the charterer or the subcharterer, and not the owner, is alleged to be liable.”;

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(e) by the substitution for paragraph (a) of subsection (10) of the following paragraph:

5 “(a) (i) Property shall be deemed to have been arrested or attached and to be under arrest or attachment at the instance of a person if at any time, whether before or after the arrest or attachment, security or an undertaking has been given to him to prevent the arrest or attachment of the property or to obtain the release thereof from arrest or attachment.

10 (ii) Any property deemed in terms of subparagraph (i) to have been arrested or attached, shall be deemed to be released and discharged therefrom if no further step in the proceedings, with regard to a claim by the person concerned, is taken within one year of the giving of any such security or undertaking.”;

15 (f) by the addition of the following subsection:

“(11) (a) There shall in any particular case be a fund consisting of—

(i) any security or undertaking given in terms of subsection (10)(a), unless such security or undertaking is given in respect of a particular claim by a particular person;

20 (ii) the proceeds of the sale of any property mentioned in subsection (5)(a) to (e), either in terms of any order made in terms of section 9, or in execution or otherwise.

25 (b) A fund shall, for all purposes, be deemed to be the property sold or the property in respect of which the security or an undertaking has been given.

(c) If an action *in rem* is instituted against or in respect of a fund in terms of subsection (5), the plaintiff shall give notice of the said action to the registrar of the court or other person holding the fund, and to all persons known by the plaintiff to be interested in the fund.

30 (d) The interest of any person in, or any claim by any person against, a fund shall be capable of attachment to found jurisdiction.”.

**Amendment of section 4 of Act 105 of 1983**

35 3. Section 4 of the principal Act is hereby amended by the addition to subsection (4) of the following paragraphs:

“(c) Subject to the provisions of section 3(3)—

40 (i) a court may make an order for the arrest or attachment, to found jurisdiction, of property not within the area of jurisdiction of the court if—

(aa) (aaa) that property is in the Republic or is likely to come into the Republic after the making of the order; and

45 (bbb) no court in the Republic otherwise has jurisdiction in connection with the claim or can otherwise acquire such jurisdiction by an arrest or attachment to found jurisdiction; or

(bb) other property within the area of jurisdiction of the court has been or is about to be arrested or attached to found jurisdiction in connection with the same claim;

50 (ii) any such order may be executed and any arrest or attachment pursuant thereto effected at any place in the Republic as contemplated in section 26(1) of the Supreme Court Act, 1959 (Act No. 59 of 1959);

55 (iii) the arrest or attachment of any property pursuant to any such order shall be an arrest or attachment which shall found the relevant jurisdiction of the court ordering the arrest or attachment.

(d) A court may make an order for the arrest or attachment, to found jurisdiction, of any ship which, if the action concerned had been an action *in rem*, would be an associated ship with regard to the ship in respect of which the maritime claim concerned arose.”.

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**Amendment of section 5 of Act 105 of 1983****4. Section 5 of the principal Act is hereby amended—**

(a) by the substitution for subsection (1) of the following subsection:

5                   “(1) A court may in the exercise of its admiralty jurisdiction  
 permit the joinder in proceedings in terms of this Act of any  
 person against whom any party to those proceedings has a claim,  
 whether jointly with, or separately from, any party to those  
 proceedings, or from whom any party to those proceedings is  
 10 entitled to claim a contribution or an indemnification, or in respect  
 of whom any question or issue in the action is substantially the  
 same as a question or issue which has arisen or will arise between  
 the party and the person to be joined and which should be  
 determined in such a manner as to bind that person, whether or  
 15 not the claim against the latter is a maritime claim and notwith-  
 standing the fact that he is not otherwise amenable to the  
 jurisdiction of the court, whether by reason of the absence of  
 attachment of his property or otherwise.”;

(b) by the substitution for paragraph (d) of subsection (2) of the following paragraph:

20                   “(d) notwithstanding the provisions of section 3(8), order that, in  
 addition to property already arrested or attached, further  
 property be arrested or attached in order to provide addi-  
 tional security for any claim, and order that any security  
 given be increased, reduced or discharged, subject to such  
 25 conditions as to the court appears just;”;

(c) by the insertion after paragraph (d) of the said subsection (2) of the following paragraph:

30                   “(dA) on application made before the expiry of any period  
 contemplated in section 1(2)(b) or 3(10)(a)(ii), or any  
 extension thereof, from time to time grant an extension of  
 any such period;”;

(d) by the substitution for subsection (3) of the following subsection:

35                   “(3) (a) A court may in the exercise of its admiralty jurisdiction  
 order the arrest of any property for the purpose of providing  
 security for a claim which is or may be the subject of an arbitration  
 or any proceedings contemplated, pending or proceeding, either in  
 the Republic or elsewhere, and whether or not it is subject to the  
 law of the Republic, if the person seeking the arrest has a claim  
 enforceable by an action *in personam* against the owner of the  
 40 property concerned or an action *in rem* against such property or  
 which would be so enforceable but for any such arbitration or  
 proceedings.

45                   (aA) Any property so arrested or any security for, or the  
 proceeds of, any such property shall be held as security for any  
 such claim or pending the outcome of any such arbitration or  
 proceedings.

                  (b) Unless the court orders otherwise any property so arrested  
 shall be deemed to be property arrested in an action in terms of  
 this Act.”;

(e) by the substitution for subsection (4) of the following subsection:

50                   “(4) Any person who makes an excessive claim or requires  
 excessive security or without [good] reasonable and probable  
 cause obtains the arrest of property or an order of court, shall be  
 liable to any person suffering loss or damage as a result thereof for  
 55 that loss or damage.”; and

(f) by the substitution for paragraph (a) of subsection (5) of the following paragraph:

60                   “(a) A court may in the exercise of its admiralty jurisdiction at  
 any time on the application of any interested person or of its own  
 motion—

(i) if it appears to the court to be necessary or desirable for the  
 purpose of determining any maritime claim, or any defence to  
 any such claim, which has been or may be brought before a

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5. court, arbitrator or referee in the Republic, make an order for the examination, testing or inspection by any person of any ship, cargo, documents or any other thing and for the taking of the evidence of any person [if it appears to the court to be necessary or desirable for the purpose of determining any maritime claim which has been or may be brought, or any defence thereto];
- (ii) in making an order in terms of subparagraph (i), make an order that [any record, notes or recording, whether then in existence or not, be transcribed or translated] any person who applied for such first-mentioned order shall be liable and give security for any costs or expenses, including those arising from any delay, occasioned by the application and the carrying into effect of any such order;
- (iii) grant leave to any such person to apply for an order that any such costs or expenses be considered as part of the costs of the proceedings;
- (iv) in exceptional circumstances, make such an order as is contemplated in subparagraph (i) with regard to a maritime claim which has been or may be brought before any court, arbitrator, referee or tribunal elsewhere than in the Republic, in which case subparagraphs (ii) and (iii) shall *mutatis mutandis* apply.”.

**Amendment of section 7 of Act 105 of 1983**

25 5. Section 7 of the principal Act is hereby amended by the substitution for paragraph (a) of subsection (1) of the following paragraph:

30 “(a) A court may decline to exercise its admiralty jurisdiction in any proceedings instituted or to be instituted, if it is of the opinion that **[the action can]** any other court in the Republic or any other court or any arbitrator, tribunal or body elsewhere will exercise jurisdiction in respect of the said proceedings and that it is more appropriate [appropriately] that the proceedings be adjudicated upon [by another court in the Republic or] by any such other court or by such arbitrator, tribunal or body [elsewhere].”.

**Substitution of section 9 of Act 105 of 1983**

35 6. The following section is hereby substituted for section 9 of the principal Act:

**“Sale of arrested property**

40 9. (1) A court may in the exercise of its admiralty jurisdiction at any time order that any property which has been arrested in terms of this Act be sold **[and the proceeds thereof be held as a fund in the court or otherwise dealt with].**

(2) The proceeds of any property so sold shall constitute a fund to be held in court or to be otherwise dealt with, as may be provided by the rules or by any order of court.

45 (3) Any sale in terms of any order of court shall not be subject to any mortgage, lien, hypothecation, or any other charge of any nature whatsoever.”.

**Amendment of section 10 of Act 105 of 1983**

50 7. Section 10 of the principal Act is hereby amended by the substitution for the expression “(10)” of the expression “(13)”.

**Insertion of section 10A in Act 105 of 1983**

8. The following section is hereby inserted in the principal Act after section 10:



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**“Power of court regarding claims against fund**

5 **10A. (1)** The court may make an order with regard to the distribution of a fund or payment out of any portion of a fund or proof of claims against a fund, including the referring of any of or all such claims to a referee in terms of section 5(2)(e).

10 (2) (a) If an order is made referring all such claims to a referee or if the court so orders, all proceedings in respect of claims which are capable of proof for participation in the distribution of the fund shall be stayed and any such claim shall be proved only in accordance with such order.

(b) The costs of any proceedings already instituted but which have been stayed in terms of paragraph (a) shall be added to any relevant claim proved in accordance with any such order.

15 (3) (a) Notwithstanding the provisions of section 11(2) and (9), any claimant submitting as proof of a claim a default judgment may be required by the referee or other person to whom the claim is submitted or by any person having an interest in the fund, to furnish evidence justifying the said judgment.

20 (b) If a claimant is in terms of paragraph (a) required to furnish such evidence, the judgment alone shall not be sufficient proof of the claim.

(c) Any person other than a referee so requiring a claimant to furnish such evidence shall be liable for any costs incurred by such claimant in so doing, unless the claimant fails to justify the said judgment or a court otherwise orders.

25 (4) (a) A claim which is subject to a suspensive or resolute condition or otherwise not yet enforceable or is voidable may be proved, where appropriate, on the basis of an estimate or valuation, but no distribution shall be made in respect thereof until it has become enforceable or no longer voidable.

30 (b) The court may make an order as to the time when a claim contemplated in paragraph (a) which has not become enforceable or is voidable shall no longer be taken into account for the purposes of the distribution in question or no longer be regarded as voidable.”

**35 Substitution of section 11 of Act 105 of 1983**

9. The following section is hereby substituted for section 11 of the principal Act:

**“Ranking of claims**

40 **11. (1) (a)** If property mentioned in section 3(5)(a) to (e) is sold in execution or constitutes a fund contemplated in section 3(11), the relevant maritime claims mentioned in subsection (2) shall be paid in the order prescribed by subsections (5) and (11).

45 (b) Property other than property mentioned in paragraph (a) may, in respect of a maritime claim, be sold in execution, and the proceeds thereof distributed, in the ordinary manner.

(2) The claims contemplated in subsection (1)(a) are claims mentioned in subsection (4) and confirmed by a judgment of a court in the Republic or proved in the ordinary manner.

50 (3) Any reference in this section to a ship shall, where appropriate, include a reference to any other property mentioned in section 3(5)(a) to (e).

(4) The claims mentioned in subsection (2) are the following, namely—

55 (a) a claim in respect of costs and expenses incurred to preserve the property in question or to procure its sale and in respect of the distribution of the proceeds of the sale;

(b) a claim to a preference based on possession of the property in question, whether by way of a right of retention or otherwise;

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- (c) a claim which arose not earlier than one year before the commencement of proceedings to enforce it or before the submission of proof thereof and which is a claim—
- (i) contemplated in paragraph (s) of the definition of 'maritime claim';
  - (ii) in respect of port, canal, other waterways or pilotage dues;
  - (iii) in respect of loss of life or personal injury, whether occurring on land or on water, directly resulting from employment of the ship;
  - (iv) in respect of loss of or damage to property, whether occurring on land or on water resulting from delict, and not giving rise to a cause of action based on contract, and directly resulting from the operation of the ship;
  - (v) in respect of the repair of the ship, or the supply of goods or the rendering of services to or in relation to a ship for the employment, maintenance, protection or preservation thereof;
  - (vi) in respect of the salvage of the ship, removal of any wreck of a ship, and any contribution in respect of a general average act or sacrifice in connection with the ship;
  - (vii) in respect of premiums owing under any policy of marine insurance with regard to a ship or the liability of any person arising from the operation thereof; or
  - (viii) by any body of persons for contributions with regard to the protection and indemnity of its members against any liability mentioned in subparagraph (vii);
- (d) a claim in respect of any mortgage, hypothecation or right of retention of, and any other charge on, the ship, effected or valid in accordance with the law of the flag of a ship, and in respect of any lien to which any person mentioned in paragraph (o) of the definition of 'maritime claim' is entitled;
- (e) a claim in respect of any maritime lien on the ship not mentioned in any of the preceding paragraphs;
- (f) any other maritime claim.
- (5) The claims mentioned in paragraphs (b) to (f) of subsection (4) shall rank after any claim referred to in paragraph (a) of that subsection, and in accordance with the following rules, namely—
- (a) a claim referred to in the said paragraph (b) shall, subject to paragraph (b) of this subsection, rank before any claim arising after it;
  - (b) a claim of the nature contemplated in paragraph (c)(vi) of that subsection, whether or not arising within the period of one year mentioned in the said paragraph, shall rank before any other claim;
  - (c) otherwise any claim mentioned in any of the subparagraphs of the said paragraph (c) shall rank *pari passu* with any other claim mentioned in the same subparagraph, irrespective of when such claims arose;
  - (d) claims mentioned in paragraph (d) of subsection (4) shall, among themselves, rank according to the law of the flag of the ship;
  - (e) claims mentioned in paragraph (e) of subsection (4) shall, among themselves, rank in their priority according to law;
  - (f) claims mentioned in paragraph (f) of subsection (4) shall rank in their order of preference according to the law of insolvency;
  - (g) save as otherwise provided in this subsection, claims shall rank in the order in which they are set forth in the said subsection (4).

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(6) For the purposes of subsection (5), a claim in connection with salvage or the removal of wreck shall be deemed to have arisen when the salvage operation or the removal of the wreck, as the case may be, terminated, and a claim in connection with contribution in respect of general average, when the general average act occurred.

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(7) A court may, in the exercise of its admiralty jurisdiction, on the application of any interested person, make an order declaring how any claim against a fund shall rank.

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(8) Any person who has, at any time, paid any claim or any part thereof which, if not paid, would have ranked under this section, shall be entitled to all the rights, privileges and preferences to which the person paid would have been entitled if the claim had not been paid.

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(9) A judgment or an arbitration award shall rank in accordance with the claim in respect of which it was given or made.

(10) Interest on any claim and the costs of enforcing a claim shall, for the purposes of this section, be deemed to form part of the claim.

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(11) In the case of claims against a fund which consists of the proceeds of the sale of, or any security or undertaking given in respect of, a ship (hereinafter referred to as the ship giving rise to the fund) which is an associated ship in relation to the ship in respect of which the claims arose, the following rules shall apply, namely—

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(a) all claims which fall under paragraphs (b) to (e) of subsection (4) and which arose in respect of a ship in relation to which the ship giving rise to the fund is such an associated ship as is contemplated in section 3(7)(a)(i), shall rank immediately after claims which fall under the said paragraphs and which arose directly in respect of the ship giving rise to the fund concerned and after any claims which fall under paragraph (f) of subsection (4) and which arise from, or are related directly to, the operation of (including the carriage of goods in) the ship giving rise to the fund concerned;

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(b) all claims which fall under the said paragraphs (b) to (e) and which arose in respect of a ship in relation to which the ship giving rise to the fund is such an associated ship as is contemplated in section 3(7)(a)(ii) or (iii) shall rank immediately after any claims mentioned in paragraph (a) of this subsection or, if there are no such claims, immediately after claims which fall under the said paragraphs and which arose directly in respect of the ship giving rise to the fund concerned; and

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(c) the provisions of subsections (5) and (9) shall apply with regard to any claim mentioned in paragraph (a) or (b).

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(12) Notwithstanding the provisions of this section, any undertaking or security given with respect to a particular claim shall be applied in satisfaction of that claim only.

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(13) Any balance remaining after the claims mentioned in paragraphs (a) to (e) of subsection (4) and the claims mentioned in subsection (11) have been paid, shall be paid over to any trustee, liquidator or judicial manager who, but for the provisions of section 10, would have been entitled thereto or otherwise to any other person entitled thereto.”.

**Short title**

10. This Act shall be called the Admiralty Jurisdiction Regulation Amendment Act, 1992.