

PART XV: ADMIRALTY MATTERS

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PART XV

ADMIRALTY MATTERS

123. Arrest of ships by the Sheriff

- (1) The Sheriff will apply to a Judge for an omnibus order in every case where a ship or vessel is arrested, giving the Sheriff discretion to take various measures for the safe and satisfactory custody of the arrested property. The usual terms of the order are that:
 - (a) the Sheriff may be at liberty at his discretion at any time to take measures to preserve the ship/vessel, her machinery and equipment;
 - (b) the Sheriff may be at liberty at his discretion at any time to move the ship or vessel within the limits of the port where she is lying under arrest, either for her own safety or to comply with the requirements of the port authority; and
 - (c) the costs and expenses incurred in the implementation of the order be deemed to be part of the Sheriff's expenses and in the event of a sale be paid first out of the proceeds of sale.

- (2) Solicitors representing plaintiffs in admiralty proceedings are required to provide an undertaking that the Sheriff shall be indemnified and be provided with sufficient funds as and when required by the Sheriff to meet the charges and expenses that may be incurred in consequence of their request for the arrest of a vessel. If such an undertaking is not fulfilled within a reasonable time, the Sheriff may take such steps as may be necessary to enforce the undertaking against the solicitors concerned.

- (3) Upon the arrest of vessel, funds are required immediately to meet the Sheriff's expenses, such as guard charges, port and garbage dues, and the

supply of minimum victuals, domestic fuel and water to crew members where necessary. Funds to meet such expenses are not provided for by the Government.

- (4) To enable the Sheriff to discharge his duties effectively, upon the arrest of a vessel, solicitors representing arresting parties are required to deposit with the Sheriff a sum of between \$5,000 to \$10,000, depending on the facts of each case. Such deposit is in addition to the usual undertaking.

124. Form of undertaking

In order to ensure that there is no undue delay in the issuing of warrants of arrest and release, members of the Bar are requested to prepare the undertaking in accordance with Form 30 of Appendix A of these Practice Directions.

125. Filing of Requests* for caveats against arrest or release pursuant to Order 70 of the Rules of Court

A Request for a caveat against arrest under Order 70, Rule 5 of the Rules of Court and a Request for a caveat against release and payment under Order 70, Rule 13 should contain the name of *only* one property and one caveator.

126. Filing of supporting documents

The attention of members of the Bar is drawn to paragraph 9 which sets out the opening hours of the Legal Registry of Supreme Court. Members of the Bar shall ensure that the necessary documents are filed within the opening hours of the Legal Registry to enable execution to be effected. The directions in paragraph 11

* Formerly known as “praecipies”.

apply when an urgent application has to be made after the Legal Registry's opening hours.

127. Hard copies of hearing of admiralty matters

Order 70, Rule 26 of the Rules of Court provides that the party by whom an admiralty action is set down for trial must file any preliminary act and a Request for an assessor's attendance (where applicable) not less than 7 days before the trial. In addition to this rule, the party must tender 3 hard copies of the preliminary act(s) to the Legal Registry of the Supreme Court.