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BRITISH SHIPPING LAWS

1

Admiralty Practice

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PREFACE

THIS is a new work on Admiralty practice, not a revision, but it incorporates, with certain exceptions, all that has remained valid of the earlier works on the subject. Although it went to press some two months before January 1, 1964, the practice is stated on the basis that the revised Rules of the Supreme Court are in force.

This is a textbook in treatise form; narrative, not annotation, is the basic principle. After the opening examination of general principles, the arrangement is designed to enable the practitioner to trace as a whole the progress of an action which runs its full course —by omitting the chapters dealing with default—as well as those actions which come to a premature end in default. If, however, execution or enforcement of the decree should become necessary in the case of a non-default action (though it hardly ever does), it is necessary to refer back to enforcement or execution under the default procedure where alone such matters are considered.

The practice in Admiralty County Courts and other courts of limited jurisdiction is considered in this volume, though not at great length. A practitioner contemplating or faced with proceedings in an Admiralty County Court will also wish to refer to the annual *County Court Practice*. This part will, however, assist readers in other countries to obtain a balanced view of Admiralty practice throughout England and Wales.

The position of district registries of the High Court is fully treated as part of the general High Court practice.

There are two further sections in this book which it is hoped will be of particular value to practitioners. The statement of the practice in Lloyd's Salvage Arbitrations is not to be found anywhere else and it is thought that the final chapter contains a new approach to the difficult questions concerning priorities in actions in rem.

It should be emphasised that although almost all that remains valid in Williams and Bruce's *Treatise on the Jurisdiction and Practice of the English Courts in Admiralty Actions and Appeals* and Roscoe's *Admiralty Jurisdiction and Practice of the High Court of Justice* has been incorporated in this volume, this is in no sense a revision of those works, which were last published in 1902 and 1931 respectively; in this connection two points may be particularly noted: historical matters which were considered in *Williams and Bruce* are ignored in this book, since a full-scale history of the

Admiralty court is now in the course of preparation, and, apart from setting out the relevant provisions of the Administration of Justice Act, 1956, jurisdiction is only incidentally noted, since this is dealt with by other volumes in the *British Shipping Laws* series.

Forms and precedents are included only in so far as immediately useful to a particular section of text; Volume 6 of *British Shipping Laws* will carry the full range. Taxation of costs is not dealt with here, and on this matter the practitioner is referred to the specialist publications where the topic is well covered.

It will be seen that some Admiralty cases are referred to only by their Admiralty Registry folio numbers, some have a reference to the *Shipping Gazette*, which is now incorporated in *Lloyd's List and Shipping Gazette*, and some have only a date. The Admiralty Registry has a unique collection of cuttings-books, and if it is desired to explore any such cases, an inquiry addressed to the Registry giving the name, year and folio number or year and date of report in the *Shipping Gazette*, or simply year and date, will often result in the report being available for inspection. This applies both before and after the commencement of the *Lloyd's List Law Reports*, for not everything reported in the newspaper has found its way into the reports.

Finally, to complete the usefulness of the work as a book of reference all the relevant rules and many important statutes are set out verbatim and not merely paraphrased. Generally, the style is that of the series of which it forms part and, in particular, *all references are to paragraph numbers.* The footnotes have been kept to a minimum, but the work is very fully cross-referenced.

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The Committee of Lloyd's kindly gave permission for Lloyd's Standard Form of Salvage Agreement to be reproduced in this work. We wish to express our gratitude for this assistance.

Our thanks are also due to Mr. J. G. Bryson, Liverpool District Registrar, Mr. A. Stewart-Richardson, and Mr. E. S. Mathers, Editor of *Lloyd's List Law Reports*, who have given valuable assistance at the proof stages of this work, to Mr. John Burton, who made helpful suggestions on the practice in Lloyd's Salvage Arbitrations and assisted in the preparation of Chapter 38, to Mr. V. E. Ricks and Mr. L. F. Snow of the Admiralty Registry for their willing co-operation and assistance with regard to special points of practice and references to Registry records and material, and to Miss M. Chriss of the Hydrographic Department of the Admiralty for preparing the compass rose which appears inside the end-covers.

For the work of preparing the Tables of Statutes, Cases and Rules and for permission to use certain material from the *Annual Practice* we are much indebted to the publishers; the Admiralty registrar is alone responsible for the Index.

Finally, to the publishers and printers of this book we would like to express our thanks for the understanding, courtesy and skill with which they have carried out a most difficult task.

KENNETH C. MCGUFFIE
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