



Admiralty Act 1973

Public Act 1973 No 119
Date of assent 23 November 1973
Commencement see section 1(2)

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

Schedule
Enactments of the Parliament of England or of the United
Kingdom ceasing to have effect as part of the law of New
Zealand

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An Act to make provision with respect to the jurisdiction in admiralty of the High Court of New Zealand and of the District Court, and the jurisdiction in prize of the High Court

Title: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Title: amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

1 Short Title and commencement

- (1) This Act may be cited as the Admiralty Act 1973.
- (2) This Act shall come into force on a date to be appointed by the Governor-General, by Order in Council.
- (3) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 1(2): this Act brought into force, on 1 August 1976, by clause 2 of the Admiralty Act Commencement Order 1976 (SR 1976/194).

Section 1(3): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

2 Interpretation

In this Act, unless the context otherwise requires,—

aircraft has the same meaning as in the Civil Aviation Act 1990

Collision Regulations has the same meaning as in section 168 of the Maritime Transport Act 1994

court means any court upon which jurisdiction is conferred by this Act

goods includes baggage

hovercraft means a machine designed to be supported in the atmosphere, wholly or partly by air expelled from the machine to form a cushion extending beneath the machine to the surface of any ground, water, or other part of the earth's surface

maritime lien, without derogating from the generality of the term, includes a lien in respect of bottomry, respondentia, salvage of property, seamen's wages, and damage

master, in relation to any ship, means any person (except a pilot) having command or charge of the ship

New Zealand territorial waters means all waters within the outer limits of the territorial sea of New Zealand (as defined in section 3 of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977); and includes the waters of any lake, river, or stream

ship includes any description of vessel used in navigation; and includes a hovercraft

towage and **pilotage**, in relation to an aircraft, mean towage and pilotage while the aircraft is waterborne.

Section 2 **aircraft**: amended, on 1 September 1990, pursuant to section 101(1) of the Civil Aviation Act 1990 (1990 No 98).

Section 2 **Collision Regulations**: replaced, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 2 **New Zealand territorial waters**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2 **New Zealand territorial waters**: amended, on 1 October 1977, pursuant to section 33(2)(a) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

3 Exercise of admiralty jurisdiction

- (1) The admiralty jurisdiction conferred by this Act—
 - (a) may be exercised by the High Court *in rem* and *in personam*; and
 - (b) may be exercised by the District Court *in personam* where the debt, demand, or damage or the value of the chattels claimed does not exceed the amount specified in section 74 of the District Court Act 2016, but the District Court does not, for the purposes of this Act, have jurisdiction *in rem*.
- (2) In exercising the jurisdiction conferred by this Act, the court may exercise at the same time any of its other civil jurisdiction, whether statutory or otherwise, and all powers incidental thereto.
- (3) Nothing in this Act derogates from any common law or equitable jurisdiction of the High Court or the District Court.

Section 3(1)(a): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 3(1)(b): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 3(2): replaced, on 9 October 1975, by section 2 of the Admiralty Amendment Act 1975 (1975 No 57).

Section 3(3): replaced, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

4 Extent of admiralty jurisdiction

- (1) The court shall have jurisdiction in respect of the following questions or claims:
- (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 done by a ship:
 - (e) any claim for damage received by a ship:
 - (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 of the wrongful act, neglect, or default of the owners, charterers, or persons in possession or control of a ship or of the master or crew thereof or of 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:
 - (i) any claim in the nature of salvage (including claims for services rendered in saving life from a ship or an aircraft or in preserving its cargo, apparel, or wreck pursuant to the provisions of Part 17 of the Maritime Transport Act 1994 or any maritime rules made in relation to salvage):
 - (j) any claim in the nature of towage in respect of a ship or an aircraft:
 - (k) any claim in the nature of pilotage in respect of a ship or an aircraft:
 - (l) any claim in respect of goods, materials, or services (including stevedoring and lighterage services) supplied or to be supplied to a ship in its operation or maintenance:
 - (m) any claim in respect of the construction, repair, or equipment of a ship or for dock or port or harbour charges or dues:
 - (n) *[Repealed]*
 - (o) any claim by a master or member of the crew of a ship for wages, and any claim by or in respect of a master or member of the crew of a ship for any money or property which, under any of the provisions of the

Maritime Transport Act 1994, is recoverable as wages or in the court and in the manner in which wages may be recovered:

- (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.
- (2) In addition to the jurisdiction specified in subsection (1), the High Court shall continue to have any other admiralty jurisdiction which was vested in it immediately before the commencement of this Act, and when exercising its admiralty jurisdiction shall also have any other jurisdiction connected with ships or aircraft which is vested in the court under any other Act.
- (3) The jurisdiction of the court under paragraph (b) of subsection (1) 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.
- (4) The provisions of this section apply—
- (a) in relation to all ships or aircraft, whether New Zealand ships or aircraft or not, and whether registered or not, and whatever the nationality or residence or domicile of their owners may be:
 - (b) in relation to all claims, wheresoever arising (including, in the case of cargo or wreck salvage, claims in respect of cargo or wreck found on land):
 - (c) so far as they relate to mortgages and charges, to all mortgages or charges, whether registered or not, and whether legal or equitable, and whether fixed or floating, including mortgages and charges created under the law of any other country:

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 Maritime Transport Act 1994.

Section 4(1)(i): amended, on 9 June 1999, by section 39 of the Maritime Transport Amendment Act 1999 (1999 No 68).

Section 4(1)(i): amended, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 4(1)(l): replaced, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).

Section 4(1)(n): repealed, on 1 February 1995, by section 203 of the Maritime Transport Act 1994 (1994 No 104).