



THE ADMIRALTY JURISDICTION OF HIGH COURTS ORDINANCE, 1980



CONTENTS

- 1 Short title and commencement
- 2 Definitions
- 3 Admiralty jurisdiction of the High Court
- 4 Mode of exercise of admiralty jurisdiction
- 5 Jurisdiction in personam of courts in collision and other similar cases
- 6 Limitation of maritime lien
- 7 Appeals
- 8 Power to make rules
- 9 Repeal and saving

THE ADMIRALTY JURISDICTION OF HIGH COURTS ORDINANCE, 1980

ORDINANCE NO. XLII OF 1980

[2nd September, 1980]

An Ordinance to consolidate and amend the law relating to Courts of Admiralty

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Admiralty;

AND WHEREAS the President is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THEREFORE, in pursuance of the Proclamation of the fifth day of July, 1977, read with the Laws (Continuance in Force) Order, 1977 (*CMLA Order No. 1 of 1977*), and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Admiralty Jurisdiction of High Courts Ordinance, 1980.

(2) It shall come into force at once.

2. Definitions. In this Ordinance, unless there is anything repugnant in the subject or context,—

- (a) "aircraft" means any machine which can derive support in the atmosphere from reactions of the air, and includes balloons, whether captive or free, airships, kites, gliders and flying machines;
- (b) "charges" does not include light dues, local light dues or any other charges in respect of light-houses, buoys, beacons or pilotage;
- (c) "cause" includes any cause, suit, action or other proceeding in the High Court in the exercise of its admiralty jurisdiction;
- (d) "goods" includes baggage;
- (e) "internal waters" includes any part of the sea adjacent to the coast of Pakistan as may be notified by the Federal Government;
- (f) "master" includes every person, except a pilot or harbour master, having command or charge of a ship;
- (g) "Merchant Shipping Acts" means the Merchant shipping Acts, 1894 —1932;
- (h) "party" includes every person served with notice of, or intervening in, or attending, any proceeding, whether named as party to that proceeding or not;
- (i) "port" means any port, harbour, river, estuary, haven, dock, canal or other place, so long as a person or body of persons is empowered by or under the law to make charges in respect of ships entering it or using the facilities therein; and "limits of a port" means the limits thereof as fixed by or under the law;
- (j) "proceedings" includes both actions and matters;
- (k) "ship" includes any description of vessel used in navigation; and
- (l) "territorial waters" means waters beyond the land territory and internal waters of Pakistan measured from the base line up to such limit as may be declared from time to time by the Federal Government.

3. Admiralty jurisdiction of the High Court.—(1) The Sind High Court and the High Court of Baluchistan shall have and exercise, within their respective territorial jurisdiction, Admiralty, jurisdiction as is in this Ordinance provided and the Lahore High Court and the Peshawar High Court shall, within their respective territorial jurisdiction, have and exercise the said jurisdiction in cases in which any question or claim relating to aircraft is to be determined.

(2) The Admiralty jurisdiction of the High Court shall be as follows, that is to say, jurisdiction to hear and determine any of the following causes, questions or claims—

- (a) any claim to the possession or ownership of a ship or to the ownership of any share therein or for recovery of documents of title and ownership of a ship, including registration certificate, log book and such certificates as may be necessary for the operation or navigation of the ship;
 - (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 action or claim in the nature of salvage of life from a ship or cargo or any property on board a ship or the ship itself or its apparel, whether services rendered on the high sea or within territorial waters or internal waters or in a port, including any claim arising by virtue of the application by or under section 12 of the Civil Aviation Ordinance, 1960, ([XXXII of 1960](#)), of the law relating to salvage to air-craft and their apparel and cargo;
 - (j) any claim in the nature of towage in respect of a ship or an aircraft whether services were rendered on the high sea or within territorial waters or internal waters or in a port;
 - (k) any claim in the nature of pilotage in respect of a ship or an aircraft;
 - (l) any claim in respect of necessaries supplied to a ship;
 - (m) any claim in respect of the construction, repair or equipment of a ship or dock charges or dues;
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