



Tonga

ADMIRALTY ACT

Chapter 3.10
2020 Revised Edition



ADMIRALTY ACT

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ADMIRALTY ACT

A BILL FOR AN ACT TO MAKE PROVISIONS WITH RESPECT TO THE JURISDICTION IN ADMIRALTY OF THE SUPREME COURT OF THE KINGDOM OF TONGA BE IT ANACTED¹

Commencement [30th June 2009²]

1 Short title

This Act may be cited as the Admiralty Act.

2 Interpretation³

In this Act, unless the context otherwise requires —

“**Collision Regulations**” has the same meaning as in the Shipping Act;

“**Court**” means the Supreme Court;

“**goods**” includes baggage;

“**hovercraft**” means a form of transport which is designed to be supported when in motion wholly or partly by air expelled from it to form a cushion of which the boundaries include the ground, water, or any other surface beneath it;

“**maritime lien**” means claims within the meaning of Article 2 of the International Convention for the Unification of Certain Rules of Law Relating to Maritime Liens (Brussels, April 1926), which is set forth in the Schedule annexed to this Act;

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

“ship” includes any description of vessel used in navigation; and includes an hovercraft and any aircraft while afloat; and

“Supreme Court” means the Supreme Court of Tonga and any court hearing an appeal from the Supreme Court.

3 Admiralty jurisdiction of the Supreme Court

- (1) The Supreme Court shall have exclusive admiralty jurisdiction.
- (2) In exercising the jurisdiction conferred by this Act, the Court may exercise at the same time any of its other civil jurisdictions, whether statutory or otherwise, and all powers incidental thereto, except to the extent inconsistent with admiralty law and practice.

4 Extent of admiralty jurisdiction

- (1) For the purposes of subsection (3)(f) the term “wrongful act, neglect or default” means 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.
- (2) The admiralty jurisdiction of the Supreme Court shall be as follows, namely —
 - (a) jurisdiction to hear and determine any of the questions and claims mentioned in subsection (3);
 - (b) jurisdiction in relation to any of the proceedings mentioned in subsection (3); and
 - (c) any jurisdiction connected with ships which is vested in the Supreme Court apart from this section.
- (3) The questions and claims referred to in subsection (2)(a) are any —
 - (a) claims to the possession or ownership of a ship or to the ownership of any share therein;
 - (b) questions arising between the co-owners of a ship as to possession, employment, or earnings of that ship;
 - (c) claims in respect of a mortgage of or charge on a ship or any share therein;
 - (d) claims for damage done by a ship;
 - (e) claims for damage received by a ship;
 - (f) claims for loss of life or personal injury sustained in consequence of any defect in a ship or in her apparel or equipment, or in consequence of the wrongful act, neglect or default of —