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STATUTORY INSTRUMENTS

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**1987 No. 1263**

**OVERSEAS TERRITORIES**

**The Admiralty Jurisdiction (Gibraltar) Order 1987**

*Made* - - - - 21st July 1987  
*Laid before Parliament* 29th July 1987  
*Coming into force* - - 19th August 1987

At the Court at Buckingham Palace, the 21st day of July 1987

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 150 of the Supreme Court Act 1981(1), section 18(1) of the Merchant Shipping (Oil Pollution) Act 1971(2), section 20(1) of the Merchant Shipping Act 1974(3) and section 738(1) of the Merchant Shipping Act 1894(4), and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

**Citation, Commencement and Revocation**

1.—(1) This Order may be cited as the Admiralty Jurisdiction (Gibraltar) Order 1987 and shall come into force on 19th August 1987.

(2) The Admiralty Jurisdiction (Gibraltar) Order in Council, 1961(5) is hereby revoked.

**Admiralty jurisdiction of the Supreme Court of Gibraltar**

2. The Colonial Courts of Admiralty Act 1890(6) shall, in relation to the Supreme Court of Gibraltar, have effect as if for the reference in section 2(2) thereof to the Admiralty jurisdiction of the High Court in England there were substituted a reference to the Admiralty jurisdiction of that court as defined by section 20 of the Supreme Court Act 1981, subject to the adaptations and modifications of the said section 20 that are specified in Schedule 1 to this Order.

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(1) 1981 c. 54.  
(2) 1971 c. 59.  
(3) 1974 c. 43.  
(4) 1894 c. 60.  
(5) S.I.1961/2031.  
(6) 1890 c. 27.

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### **Application of provisions of the Supreme Court Act 1981 to Gibraltar**

3. The provisions of sections 21, 22, 23 and 24 of Part II of the Supreme Court Act 1981 shall extend to Gibraltar with the adaptations and modifications that are specified in Column 2 of Schedule 2 to this Order.

### **Consequential and General**

4. Section 13(1) of the Merchant Shipping (Oil Pollution) Act 1971 and section 6(1) of the Merchant Shipping Act 1974, as extended to Gibraltar by the Merchant Shipping (Oil Pollution) (Gibraltar) Order 1976(7), are hereby repealed.

5. Save as is expressly provided otherwise in the Schedules to this Order, any reference therein, or in section 20, 21, 22, 23 or 24 of the Supreme Court Act 1981, to any enactment of the United Kingdom shall be construed for the purposes of this Order as a reference to that enactment as applying or extended to Gibraltar.

*G. I. de Deney*  
Clerk of the Privy Council

SCHEDULE 1

Article 2

ADAPTATIONS AND MODIFICATIONS OF SECTION 20 OF THE SUPREME COURT ACT 1981

- (i) In paragraph (d) of subsection (1), the words “and is for the time being by rules of court made or coming into force after the commencement of this Act assigned to the Queen’s Bench Division and directed by the rules to be exercised by the Admiralty Court” shall be deleted.
- (ii) In subsection (6), the words “or any Order in Council made under section 51 of the Civil Aviation Act 1949” shall be deleted and the words “or any regulations made by the Governor under section 51 of the Civil Aviation Act 1949” shall be substituted.

SCHEDULE 2

Article 3

OTHER PROVISIONS OF PART II OF THE SUPREME COURT ACT 1981 EXTENDED TO GIBRALTAR AND ADAPTATIONS AND MODIFICATIONS THERETO

Column 1	Column 2
Section 21 .....	In subsections (1), (2), (3), (4), (5) and (6), the words “the High Court” shall be deleted and the words “the Supreme Court of Gibraltar” shall be substituted.
	In subsection (7), the words “England and Wales” shall be deleted and the word “Gibraltar” shall be substituted.
Section 22 .....	Subsection (2) shall be deleted and the following subsection shall be substituted— “(2) The Supreme Court of Gibraltar shall not entertain any action in personam to enforce a claim to which this section applies unless— (a) the defendant has his habitual residence or a place of business within Gibraltar; (b) the cause of action arose within the Admiralty Waters of Gibraltar, as defined in the Admiralty Waters (Gibraltar) Order 1972(8), or within any part of the sea adjacent to the coast of Gibraltar certified by a Secretary of State to be waters falling by international law to be treated as within the territorial sovereignty of Her Majesty apart from the operation of that law in relation to territorial waters; or

(8) 1972 I, p. 2207.

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Column 1	Column 2
	<p>(c) an action arising out of the same incident or series of incidents is proceeding in the court or has been heard and determined in the court”.</p>
	<p>In subsections (3), (6), (7) and (8), the words “the High Court” shall be deleted and the words “the Supreme Court of Gibraltar” shall be substituted.</p>
	<p>In subsection (3), the words “England and Wales” shall be deleted and the word “Gibraltar” shall be substituted.</p>
Section 23 .....	<p>The words “the High Court” shall be deleted and the words “the Supreme Court of Gibraltar” shall be substituted.</p>
Section 24 .....	<p>In subsection (1), the definition of “ship” shall be deleted and the following definition shall be substituted—</p>
	<p>““ship” includes any description of vessel used in navigation”.</p>
	<p>In subsection 2(a), the words “the High Court” shall be deleted and the words “the Supreme Court of Gibraltar” shall be substituted.</p>
	<p>In subsection (2), paragraph (c) shall be deleted and the following paragraph shall be substituted—</p>
	<p>“(c) authorise proceedings in rem in respect of any claim against the Crown, or the arrest, detention or sale of any of Her Majesty’s ships or Her Majesty’s aircraft, or of any cargo or other property belonging to the Crown.”.</p>
	<p>In subsection (3), the definition of “Her Majesty’s hovercraft” shall be deleted.</p>

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order provides that the Supreme Court of Gibraltar, which is a Colonial Court of Admiralty, shall have the like Admiralty jurisdiction as that of the High Court in England, as defined by section 20 of the Supreme Court Act 1981, with certain modifications. It also extends certain of the provisions contained in Part II of that Act to Gibraltar.