1978 No. 276

OVERSEAS TERRITORIES

The Gibraltar Supreme Court (Admiralty Practice) Rules Order 1978

Made - - - - 1*st March* 1978

At the Court at Buckingham Palace, the 1st day of March 1978

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by virtue and in exercise of the powers vested in Her by section 7 of the Colonial Courts of Admiralty Act 1890(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation

1. This Order may be cited as the Gibraltar Supreme Court (Admiralty Practice) Rules Order 1978.

Approval of Rules of Court

2. The Rules of Court made on 16th February 1978 by the Chief Justice of Gibraltar in exercise of the powers conferred on him by section 7 of the Colonial Courts of Admiralty Act 1890, section 53 of the Supreme Court Ordinance and of all other powers thereunto him enabling(b), and set out in the Schedule to this Order, are approved.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1890 c. 27.

(b) Laws of Gibraltar, 1965/1969 Edition Cap. 148.

SCHEDULE TO THE ORDER

SUPREME COURT (ADMIRALTY PRACTICE) RULES 1978

Title and commencement

1. These Rules may be cited as the Supreme Court (Admiralty Practice) Rules 1978, and shall come into force on a day to be appointed by the Governor.

Application of Supreme Court Rules

2. Save as otherwise expressly provided in these Rules, the Supreme Court Rules, as from time to time amended or replaced, shall, so far as they are applicable, apply to all Admiralty proceedings in the Supreme Court.

Fees

3. The fees to be taken in Admiralty proceedings shall be those set out in the Schedule and, where no provision is made in the Schedule, the fees prescribed in the Supreme Court Rules, so far as they may be applicable:

Provided that where it appears to the Chief Justice that the payment of any fee specified in the Schedule would, owing to the exceptional circumstances of the particular case, involve undue hardship, the Chief Justice may reduce or remit the fee in that case.

Allowances

4. The allowances to be paid to nautical and other assessors shall be determined by the court.

Revocation of App. 25, Booklet 2

5. The Supreme Court, Gibraltar (Admiralty Jurisdiction) Rules 1948, are hereby revoked.

SCHEDULE TO THE RULES

RULE 3

FEES

In the Admiralty Registry

Item		*Fee* £ p
1.	On filing a praecipe—	
	(*a*) for a caveat against arrest	2.00
	(*b*) for a warrant of arrest	2.00
	(*c*) for service of a writ by the Marshal in an action in rem	2.00
	(*d*) for a caveat against release and payment	2.00
2.	On filing a request for the attendance of assessors	2.00
3.	On entering a reference for hearing by the Registrar	10.00
4.	On sealing a notice of appeal from the Registrar to be heard in Chambers	3.00
5.	On a certificate by the Registrar as to a judgment or order	2.00
	In the Marshal's Office	
6.	On lodging with the Marshal for execution: —	
	(*a*) a warrant of arrest	10.00
	(*b*) an instrument of release	3.00
	(*c*) a commission for the appraisement and sale of any property	10.00
7.	On the sale of a ship or cargo, for every £100 or fraction of £100	1.00

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

In pursuance of section 7 of the Colonial Courts of Admiralty Act 1890, this Order approves Rules of Court regulating Court fees and allowances to be taken and paid, respectively, in the Supreme Court of Gibraltar in the exercise of the jurisdiction conferred by that Act.

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