

Statutory Rules 1990 No. L¹

392/

Admiralty Rules² (Amendment)

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia,
acting with the advice of the Federal Executive Council, hereby make
the following Rules under the *Admiralty Act 1988*.

Dated *29 November* 1990.

BILL HAYDEN

Governor-General

By His Excellency's Command,

Michael Duffy.

Attorney-General

1. Amendment

1.1 The Admiralty Rules are amended as set out in these Rules.

2. Rule 4 (Marshal and Registrar)

2.1 Omit subrule (2), substitute:

“(2) Where, in relation to a proceeding in a court:

(a) a power, function or duty is conferred or imposed on the Registrar by these Rules; and

(b) the Rules of Court concerned authorise a Master of the court to exercise the power or function or perform the duty;

the power or function may be exercised, and the duty must be performed, by a Master.

“(3) Where, in relation to a proceeding in a court, a power, function or duty is conferred or imposed on the Marshal by these Rules, the power or function may be exercised, and the duty must be performed:

(a) by a person (whether or not an officer of the court):

(i) appointed by the court to be a Marshal; or

(ii) authorised by the court, or by the Rules of Court, to exercise the power or function or perform the duty; or

- (b) by an officer or employee of the Commonwealth, a State or a Territory, authorised in writing by a Marshal to exercise the power or function or perform the duty on his or her behalf.

“(4) Action may be authorised orally under paragraph (3) (b) where it is not practicable to authorise the action in writing before it is taken, but a written authorisation must be given as soon as practicable.”.

3. Rule 22 (Statements of claim)

3.1 Subrule 22 (2):

Omit “Form 8”, substitute “the Rules of Court concerned”.

4. Rule 43 (Execution of arrest warrants)

4.1 Subrule 43 (1):

Omit “only”.

5. Schedule

5.1 Form 1 (title of documents):

Omit Notes 5 and 6, substitute:

- “5. *where claim is against a surrogate ship or ships, insert name or names*
6. *more than one ship may be named as a surrogate ship*”.

5.2 Form 6 (Writ):

Omit the form, substitute:

Form 6
(Title)
WRIT

Rule 19

BY THIS WRIT the plaintiff commences action against the ship/property¹ specified above.

PARTICULARS OF SHIP/PROPERTY¹: ²

AMOUNT CLAIMED OR OTHER RELIEF SOUGHT: ³

PARTICULARS OF CLAIM: ⁴

TO THE DEFENDANT:

If you want to defend this claim, you must, within 21 days after this writ is served on you, file an appearance.

You may also pay an amount into court.

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1. *strike out whichever is not applicable*
 2. *if a ship, insert name of ship and port of registry; if other property, insert description of property*
 3. *insert amount claimed or other orders sought*
 4. *give enough short particulars of the claim to identify the cause of action*

5.3 Form 8 (Statement of claim: action *in rem*):

Omit the form.

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NOTES

1. Notified in the *Commonwealth of Australia Gazette* on *L* 1990.
2. Statutory Rules 1988 No. 269.

6 December/

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