## Interpretation of the Supreme People's Court on the Application of the Special Maritime Procedure Law of the People's Republic of China (2008 Adjustment)

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(Adopted at the 1259th meeting of the Judicial Committee of the Supreme People's Court on December 3, 2002, and are hereby promulgated for No.3 Interpretation [2003] of the Supreme People's Court on January 6, 2003 and shall come into force on February 1, 2003, and adjusted in accordance with theDecision of the Supreme People's Court on Adjusting the Sequential Number of the Articles of the Civil Procedure Law of the People's Republic of China Cited in Judicial Interpretations and Other Documents issued on December 16, 2008 )

In order to correctly try maritime cases and in accordance with [the Civil Procedure Law of the People's Republic of China](https://pkulaw.com/en_law/98761.html#0) and [the Special Maritime Procedure Law of the People's Republic of China](https://pkulaw.com/en_law/24093.html#0) , the following interpretation is given with respect to the application of [the Special Maritime Procedure Law](https://pkulaw.com/en_law/24093.html#0) by the people's courts.

I. Jurisdiction

**Article 1** Maritime tort disputes and maritime contract disputes that arise on the sea or on the sea-connected waters and that relate to ships, transport, production, or operations, as well as other maritime dispute cases provided for by laws and relevant judicial interpretations, shall be under the special jurisdiction of the maritime courts and the people's courts at the higher level thereof.

**Article 2** The jurisdiction over maritime tort disputes and maritime carriage contract disputes shall be governed by Chapter 24 of [the Civil Procedure Law](https://pkulaw.com/en_law/98761.html#0) ; if there is no corresponding provision in Chapter 24 of [the Civil Procedure Law](https://pkulaw.com/en_law/98761.html#0) , subparagraphs 1 and 2 of paragraph 2 of [Article 6](https://pkulaw.com/en_law/24093.html#6) of [the Special Maritime Procedure Law](https://pkulaw.com/en_law/24093.html#0) and other relevant provisions of [the Civil Procedure Law](https://pkulaw.com/en_law/98761.html#0) shall apply.

**Article 3** The term “ocean ship” as prescribed in [Article 6](https://pkulaw.com/en_law/24093.html#6) of the Special Maritime Procedure Law refers to the ships suitable for sailing on the sea or on the sea-connected waters.

**Article 4** The term “port of registry” as prescribed in Item 1) of Paragraph 2 of Article 6 of the Special Maritime Procedure Law refers to the port of registry of the defendant ship. Where the port of registry of the defendant ship is not within the People's Republic of China and that of the plaintiff ship is within the People's Republic of China, the case shall be under the jurisdiction of the maritime court of the place where the port of registry of the plaintiff ship is located.

**Article 5** The terms “port of departure”, “port of transshipment”, and “port of destination” as prescribed in Item 2) of Paragraph 2 of Article 6 of the Special Maritime Procedure Law refer to the port of departure, port of transshipment, and port of destination stipulated in the contract or where the contract is actually performed. Where the port of departure, port of transshipment, and port of destination stipulated in the contract are different from the port of departure, port of transshipment, and port of destination where the contract is actually performed, the place of actual performance shall be used to determine the jurisdiction over the case.

**Article 6** The phrase “the place where the insured object is located” as used in Item 4) of Paragraph 2 of Article 6 of the Special Maritime Procedure Law refers to the place where the insured ship is located.

**Article 7** The phrase “the place where the ship is located” as prescribed in Item 7) of Paragraph 2 of Article 6 of [the Special Maritime Procedure Law](https://pkulaw.com/en_law/24093.html#0) refers to the place of berth or the place where the ship is detained at the time when the legal proceedings are initiated.

**Article 8** A maritime court shall accept the suits directly brought to it that arise from disputes over the service contracts of seamen.

**Article 9** A suit arising from maritime salvage charges may be subject to the jurisdiction either determined in accordance with Article 32 of the civil procedure law, or of the maritime court of the place where the salvaged property other than the ship is located.

**Article 10** A dispute over the borrowing contract relating to security on or priority claims to the ship shall be subject to the jurisdiction of the maritime court of the defendant's domicile, the place of performance, the port of registry of the ship, or the place where the ship is located.

**Article 11** The phrase “the sea areas under jurisdiction” as prescribed in Item 3) of Article 7 of the Special Maritime Procedure Law refers to the contiguous zones, exclusive economic zones, continental shelves, and other sea areas that are under the jurisdiction of the People's Republic of China.

**Article 12** The term “place of performance” as prescribed in Item 3) of Article 7 of the Special Maritime Procedure Law refers to the place of actual performance of the contract; where the contract has not been actually performed, it refers to the place of performance stipulated in the contract.

**Article 13** Where a party applies for enforcement of a maritime arbitration award or recognition or enforcement of a foreign maritime arbitration award in accordance with Article 11 of the Special Maritime Procedure Law, the case shall be subject to the jurisdiction of the maritime court of the place where the property against which the award is enforced is located or of the domicile of the person against whom the award is enforced; where the property is a ship, the case shall be subject to the jurisdiction of a maritime court regardless of whether that ship is within the jurisdiction area of that maritime court. If there is no maritime court at the place where the ship is located, the jurisdiction shall be assumed by the nearest maritime court.

The phrases “the place where the property is located” and “the domicile of the person against whom the award is enforce” as mentioned in the preceding paragraph refer to the areas over which a maritime court exercises its jurisdiction.

**Article 14** A case of determination of the effect of maritime arbitration agreement shall be subject to the jurisdiction of the maritime court of the place of the defendant's domicile, the place of performance, or the place where the stipulated arbitration institution is located.

**Article 15** Except the maritime courts and the people's courts at the higher levels thereof, a local people's court shall not accept the application for preservation of ship filed by a party; where a local people's court needs to detain and auction a ship for the enforcement of an effective legal document, that court shall entrust the execution to the maritime court of the place of registry of the ship or of the place where the ship is located.

**Article 16** If more than two maritime courts have jurisdiction over a suit, the plaintiff may bring the suit to either of them; if the plaintiff brings a suit to more than two maritime courts which have jurisdiction, the maritime court that first puts the case on file shall assume the jurisdiction.

**Article 17** If there is any dispute between two maritime courts over the jurisdiction, those courts shall settle the dispute through consultation, if the consultation fails, they shall report to the Supreme People's Court for designation of jurisdiction.

II. Preservation for Maritime Claims

**Article 18** The phrase “property of the person against whom the preservation claim is filed” as prescribed in Article 12 of the Special Maritime Procedure Law includes the ship, the cargo carried by the ship, and the ship's fuel and supplies. The preservation for maritime claim to other properties shall be governed by the relevant provisions of the civil procedure law on property preservation.

**Article 19** The phrase “cargo carried by the ship” as prescribed in the Special Maritime Procedure Law refers to the cargo that is under the control of the carrier, and that has not been loaded, or has already been loaded, and has already be unloaded.

**Article 20** The phrase “the place where the property to be preserved is located” as prescribed in Article 13 of the Special Maritime Procedure Law refers to the place where the ship or the cargo is located. Where the party applies for maritime claim preservation of any cargo that has already been unloaded but is still under the control of the carrier, if the place where the cargo is located is not within the jurisdiction area of a maritime court, that party may file the claim with the maritime court of the place of discharge, either may he file the claim with the local people's court of the place where the cargo is located.

**Article 21** The application for preservation for maritime claim filed before the suit or arbitration shall be governed by Article 14 of the Special Maritime Procedure Law.

Where a foreign court has already accepted a related maritime case or the relevant dispute has already been submitted for arbitration, but the involved property is within the People's Republic of China, if a party applies for maritime claim preservation with the maritime court of the place where the property is located, the maritime court shall accept the application.

**Article 22** Where an interested party raises any objection against the ruling of maritime claim preservation made by a maritime court, and the court deems that the grounds for the objection are untenable upon examination, it shall notify the interested party in writing.

**Article 23** Where a person against whom the application for maritime claim preservation is filed or an interested party requires that the applicant compensate losses in accordance with Article 20 of the Special Maritime Procedure Law, and brings a suit to the maritime court taking the preservative measures, that maritime court shall accept the case.

**Article 24** The loss resulting from the wrongful application for detainment of a ship includes the maintenance charges and expenses occurred during the period of berth when the ship is detained, the loss of sailing period as a result of detainment of the ship, and the expenses incurred by the person against whom the application is filed to provide security to release the ship from detainment.

**Article 25** Where a ship has been detained for more than 30 days, or the cargo or any other property has been detained for more than 15 days as security for maritime claim, and the maritime claimant fails to bring the suit or apply arbitration in accordance with the arbitration agreement, the maritime court shall cancel the preservation or return the security in a timely manner.

Where the maritime claimant fails to bring the suit or apply for arbitration within the time limit, but the claimant settles the case or agrees on the period of security through agreement with the person against whom the application is filed, the maritime court may make a ruling recognizing that agreement upon application by the maritime claimant.

**Article 26** Where an applicant has provided a limited amount of security for the application for detainment of a ship, but fails to add more security in accordance with the notification of the maritime court upon expiration of the detainment, the maritime court may cancel the detainment.

**Article 27** Except that the maritime claimant and the party against whom the claim is filed have any otherwise agreement, the maritime claimant shall return the security furnished to him as prescribed in Paragraph 2 of Article 18 and Article 74 of the Special Maritime Procedure Law; where the maritime claimant fails to return the security, that security shall lose effect on the day following the expiration of the period of the preservation for maritime claim.

**Article 28** Various maintenance charges and expenses occurred during the period when a ship is detained shall be deemed as charges paid for the joint interest of the creditors, and shall be set aside by priority from the sum obtained from auction of the ship.

**Article 29** Where a maritime court allows a ship which has already been preserved to continue the operation in accordance with Article 27 of the Special Maritime Procedure Law, the case shall be limited to allowing a ship sailing on a domestic route to finish its current voyage.

**Article 30** If, after bringing the suit or applying for arbitration, a maritime claimant does not apply for auction of the detained ship, the maritime court may auction the ship upon the application of the party against which the application for detainment is filed, and the sum obtained from the auction shall be submitted to the maritime court.

**Article 31** Where a maritime court makes the ruling to auction a ship, it shall make public announcements for 3 successive days through the newspaper or other news media.

**Article 32** Where an interested party requests for termination of the auction of a detained ship, the maritime court shall make the ruling on whether to permit the request or not; where the maritime court makes the ruling to terminate the auction, the expenses occurred for preparation for the auction shall be borne by the interested party.

**Article 33** Where an applicant for the auction of a ship or an interested party applies for termination of the auction, he shall file the application 7 days prior to the date of auction as determined in the public announcement.

**Article 34** The maritime claimant and the person against who the claim is filed shall, in accordance with the requirement of the maritime court, supply specific information about the parties with priority claims to the ship, the mortgagees, and the ships owners as provided for by Article 33 of the Special Maritime Procedure Law.

**Article 35** The term “ship's current conditions” as prescribed in Article 38 of the Special Maritime Procedure Law refers to the conditions of the ship as displayed. If, after valuation, there is any obvious disparity between the conditions of the ship when it is handed over and the conditions of it as displayed, the price for the ship shall be reduced accordingly, however, normal losses and fuel used up shall not be taken into account.

**Article 36** The value of the cargo that a maritime claimant applies for detainment shall be corresponding to that of the credit right claimed, except that the cargo carried by the ship is inseparable.

**Article 37** After the auctioned ship is handed over, the maritime court shall notify the relevant authority of ship registry in a timely manner.

**Article 38** Where the maritime claimant applies for detainment of the ship's fuel or supplies, apart from application of Article 50 of the Special Maritime Procedure Law, Section 1 of Chapter 3 of the Special Maritime Procedure Law may also apply.

**Article 39** Detainment and auction of a small ship of which the total tonnage is lower than 20 tons may be carried out in accordance with the provisions of the civil procedure law.

**Article 40** Where an applicant applies for auction of the cargo kept under lien in accordance with Article 88 of the Maritime Law of the People's Republic of China, the provisions of the Special Maritime Procedure Law on the auction of cargo carried by ship shall be referred to in execution.

III. Maritime Injunction

**Article 41** The application for maritime injunction filed prior to the litigation or arbitration shall be governed by Article 53 of the Special Maritime Procedure Law.

Where a foreign court has already accepted the relevant maritime case or the relevant dispute has already been submitted for arbitration, if a party applies for maritime injunction with a maritime court of the People's Republic of China, and furnishes to the court the relevant evidence for enforcement of the injunction, the maritime court shall accept the case.

**Article 42** Where a maritime court, in accordance with Article 57 of the Special Maritime Procedure Law, allows the application for maritime injunction filed by a party, it shall make a written civil ruing and issue the maritime injunction.

**Article 43** The maritime junction shall be executed by a maritime court. Where the party against which the application is filed, or any other relevant entity or individual fails to perform the maritime injunction, the maritime court shall enforce the injunction in accordance with the relevant provisions of the civil procedure law.

**Article 44** Where an interested party raises any objection against the civil ruling on maritime injunction made by the maritime court, and the maritime court deems that the grounds for the objection are untenable upon examination, it shall notify the interested party in writing.

**Article 45** If, within 15 days after the issuance of the maritime injunction, the party against whom the claim is filed neither raises any objection nor brings a suit or applies for arbitration with respect to the relevant maritime dispute, the maritime court may, at the request of the applicant, return to the applicant the security it has supplied.

**Article 46** Where the party against whom the claim is filed requests that the maritime claimant compensate for the losses in accordance with Article 60 of the Special Maritime Procedure Law, the case shall be heard by the maritime court issuing the maritime injunction.

IV. Preservation of Maritime Evidence

**Article 47** The application for preservation of maritime evidence before litigation shall be governed by Article 64 of the Special Maritime Procedure Law.

Where a foreign court has already accepted the relevant maritime case or the relevant dispute has already been submitted for arbitration, if a party applies for preservation of maritime evidence with a maritime court of the People's Republic of China and furnishes relevant evidence proving the evidence within the People's Republic of China to be preserved, the maritime court shall accept the application.

**Article 48** Where a maritime claimant applies for preservation of maritime evidence, the application form shall, apart from stating the relevant contents in accordance with Article 65 of the Special Maritime Procedure Law, also indicate the relevant clews for evidence investigation and collection.

**Article 49** A maritime claimant may, after brining the suit to the maritime court which has taken the measures to preserve the maritime evidence, apply for reproducing the preserved evidence materials; where the relevant maritime dispute is heard by any other maritime court or arbitration institution within the People's Republic of China, the court or arbitration institution hearing the case may apply for duplicating the preserved evidence materials at the request of the maritime claimant.

**Article 50** Where an interested party raises any objection against the ruling on preservation of maritime evidence made by the maritime court, if the maritime court deems the grounds for the objection are untenable upon examination, it shall notify the interested party in writing.

**Article 51** Where a party against which the maritime claim is filed requests that the maritime claimant compensate for the losses in accordance with Article 71 of the Special Maritime Procedure Law, the case shall be heard by the maritime court taking the measures to preserve the maritime evidence.

V. Maritime Security

**Article 52** The term “justified grounds” as prescribed in Article 77 of the Special Maritime Procedure Law refers to that:

1) the amount of security applied for by the claimant is too high;

2) the party against which the claim is filed has taken other effective methods of security; and

3) the right of claim of the maritime claimant has extinguished.

VI. Service

**Article 53** The legal documents relating to the maritime injunction and maritime evidence preservation may be served upon the captain of the ship in question.

**Article 54** The legal documents, such as the summon of appearance that should be served upon the defendant, etc., may be served to the captain of the defendant ship that has been detained, unless the captain is the plaintiff.

**Article 55** The term “other methods” as prescribed in Item 3) of Paragraph 1 of Article 80 of the Special Maritime Procedure Law shall include such methods of service as fax and email (including the specific website of the party to be served upon), etc.

If any of the above-mentioned methods is employed, it shall be confirmed that the party to be served upon has receipt the service.

VII. Trial Procedures

**Article 56** The evidence producing process that should be completed by the parties prior to the court hearing as prescribed in Article 84 of the Special Maritime Procedure Law shall include filling in the Form of Maritime Accident Investigation and submitting the factual evidence materials relating to the collision in accordance with Article 82 of the Special Maritime Procedure Law.

The parties shall, prior to the commencement of the trial of first instance, provide the court with the evidence materials prescribed in the preceding paragraph.

**Article 57** The Form of Maritime Accident Investigation is the statement of the parties on the basic facts of the collision. Such statements may be used as the basis for ascertaining the facts if they are admitted by the opposite party or are verified to be true by the court.

**Article 58** The term “factual evidence materials relating to the collision” refers to the evidence materials in respect of the course of the collision, and the reasons for the collision, etc.

The factual evidence materials relating to the collision shall be exchanged after the parties concerned have finished the production of evidence. Where a party applies to the court for consulting the factual evidence materials relating to the collision before finishing the production of evidence, the maritime court shall reject such an application.

**Article 59** The term “new evidence” as prescribed in Article 85 of the Special Maritime Procedure Law refers to the evidence that is not held by a party, and that can not be produced before the commencement of the court hearing because the party has not obtained or can not obtain it before the commencement of the court hearing.

**Article 60** Where ship inspection or valuation needs to be carried out in a maritime case other than one of ship collision, Article 86 of the Special Maritime Procedure Law shall apply.

**Article 61** Suits brought in accordance with Article 170 of the Maritime Law of the People's Republic of China and suits brought as a result of damages caused by ship collision shall be tired by reference to the relevant provisions of the Special Maritime Procedure Law on the trial of cases of ship collision.

**Article 62** Where a dispute over unadjusted general average is brought to a maritime court, the maritime court shall order the parties to entrust the adjustment of the general average to others. Where it is really necessary that the adjustment be entrusted by the maritime court, the parties shall file an application, and the expenses for the entrustment shall be advanced by the party claiming the general average.

**Article 63** Where a party raises any objection against the report on adjustment of general average, if the objection is supported by the maritime court upon examination and the adjustment needs to be supplemented or carried out again, the original consignor shall notify the adjustor to carry out the adjustment again and the party raising the objection shall advance the expenses; where the said party refuses to advance the expenses, it shall be deemed that the objection has been withdrawn.

**Article 64** A suit brought against the liable party for any non-general average loss relating to general average dispute shall be subject to the time limit for conclusion of a trial prescribed in Article 92 of the Special Maritime Procedure Law.

**Article 65** Where an insurer exercises the right of subrogation in accordance with Article 95 of the Special Maritime Procedure Law, it shall do so in its own name; if the suit is brought in any other's name, the maritime court shall reject or dismiss the suit.

**Article 66** Where an insurer requests to alter the parties to the litigation or requests to participate in the litigation as a joint plaintiff in accordance with Article 95 of the Special Maritime Procedure Law, the maritime court shall make an examination and give a ruling on whether or not to permit such a request. If a party refuses to accept the ruling, that party may appeal.

**Article 67** Where an insurer takes part in a litigation in accordance with Article 95 of the Special Maritime Procedure Law, the preservation of property obtained or the security rights obtained through detainment by the insured as a result of the litigation conducted heretofore shall be extended to the insurer within the scope of the subrogation right of the insurer. The insurer shall not bear the liabilities arising as a result of the fault of the insured.

**Article 68** The term “certificate of payment of insurance compensation” as prescribed in Article 96 of the Special Maritime Procedure Law refers to the receipt of compensation, voucher of bank payment, or any other certificate of payment. If, though the insured has issued a letter of assignment of rights, no certificate of actual payment can be produced, such a letter may not be taken as the factual basis for the insurer's obtaining of the right of subrogation.

**Article 69** The maritime court, at the request of the insurer of oil pollution damages or any other party providing financial security for such damages, may notify the ship owner to take part in the litigation as a third party without independent right of claim.

**Article 70** The term “loss of control” as prescribed in Article 100 of the Special Maritime Procedure Law refers to theft or loss of the bill of lading or any other certificate of delivery.

**Article 71** Where an applicant applies to the maritime court for public summons for exhortation in accordance with Article 100 of the Special Maritime Procedure Law, he shall submit an application form which indicates the type and number of the bill of lading or any other delivery certificate, the description and quantity of the cargo, the carrier, consignor, consignee, the name of the carrying ship, the number of the voyage, the endorsements, and the reasons and facts for the application, etc. If there are any counterparts of the certificates, such counterparts shall be attached.

**Article 72** Where the maritime court decides to accept an application for public summons for exhortation, it shall, at the same time, notify the carrier, or the agent thereof, or the keeper of the cargo to stop the delivery of cargo, and shall issue public summons within 3 days urging the interested parties to declare their rights. The period of public summons for exhortation shall be determined by the maritime regarding the circumstances, but may not be less than 30 days.

**Article 73** After receiving the notification from the maritime court for stop of delivery, the carrier, or the agent thereof, or the keeper of the cargo shall stop the delivery of cargo until the end of the process of public summons for exhortation.

**Article 74** Any act of transfer of bill of lading will be ineffective during the period of public summons for exhortation; and the charges and risks of storage of the relevant cargo shall be borne by the applicant.

**Article 75** During the period of public summons for exhortation, with respect to the cargo waiting for installation, construction, or production of the key construction projects of the state, or the disaster-relief materials, or the cargo that inherently can not be kept for a long time, and seasonal goods, the maritime court may, upon the application by an applicant, make a ruling allowing the applicant to take delivery of such goods, provided that the applicant has furnished sufficient security.

The carrier, the agent thereof, or the keeper of the cargo shall, after receiving the ruling of the maritime court allowing the taking of delivery of the cargo, deliver the cargo to the designated person in accordance with the ruling.

**Article 76** During the period of public summons for exhortation, an interested party may declare his rights with the maritime court. After receiving the declaration of the interested party, the maritime court shall make a ruling terminating the procedure of public summons for exhortation, and shall notify the applicant and the carrier, the agent thereof, or the keeper of the cargo.

The applicant and the party declaring rights may bring a suit to the maritime court with respect to the relevant dispute.

**Article 77** If no party makes declaration of rights during the period of public summons for exhortation, the maritime court shall make a judgment on the basis of the applicant's application, declaring the bill of lading or any other relevant delivery certificate to be void. The contents of the judgment shall be pronounced, and shall be notified to the carrier, the agent thereof, or the keeper of the cargo. As of the day of public announcement of the judgment, the applicant shall have the right to require the carrier, the agent thereof, or the keeper of the cargo to deliver the cargo.

**Article 78** Where an interested party is unable to declare his rights to the maritime court within the period of public summons for exhortation due to justified reasons, that party may, within 1 year from the day when he gets to know or should have know the public announcement of the judgment, bring a suit to the maritime court making the judgment.

VIII. Procedures for Establishment of the Fund for Limitation of Liability for Maritime Claims

**Article 79** The term “ship owner” as prescribed in Article 101 of the Special Maritime Procedure Law refers to the ship owner as indicated on the relevant ship certificate.

**Article 80** Where a maritime accident happens outside of the People's Republic of China, the port that the ship encountering accident first arrived within the People's Republic of China after the accident shall be deemed as the place of occurrence of the accident as prescribed in Article 102 of the Special Maritime Procedure Law.

**Article 81** Where a party applies for establishment of the fund for limitation of liability for maritime claims in the course of the litigation, that party shall file the application with the maritime court hearing the relevant maritime dispute case, unless the parties have concluded an effective jurisdiction agreement or arbitration agreement.

**Article 82** The establishment of the fund for limitation of liability for maritime claims shall be publicly announced through the newspapers or other news media for 3 successive days. If the ship involved is one that can sail on international routes, the public announcement shall be made through the newspaper or other news media that is released to foreign countries.

**Article 83** Where an interested party, in accordance with Article 106 of the Special Maritime Procedure Law, raises any objection against the establishment of the fund for limitation of liability for maritime claims by the applicant, the maritime court shall examine the qualification of the applicant for establishment of the fund, the nature of the credit right involved in the accident, and the amount of the fund to be established.

**Article 84** After a ruling becomes effective allowing an applicant to establish the fund for limitation of liability for maritime claims, the applicant shall establish the fund in the maritime court within 3 days. If the applicant fails to establish the fund within that time limit, he shall be deemed as having voluntarily withdrawn the application.

**Article 85** The term “security” as prescribed in Article 108 of the Special Maritime Procedure Law refers to the security provided by a bank or any other financial institution within the People's Republic of China.

**Article 86** After the fund for limitation of liability for maritime claims is established, any party making a claim to the fund may not, as regarding that claim, exercise any right with respect to any other property of the person that established the fund or in whose name the fund was established.

IX. Procedures for Registration of Credit Rights and Compensation

**Article 87** The term “credit rights relating to the auctioned ship” as prescribed in Article 111 of the Special Maritime Procedure Law refers to the maritime credit rights relating to the auctioned ship.

**Article 88** The terms ‘written judgment', ‘written ruling', ‘mediation paper', and ‘written arbitration award' as used in Article 115 of the Special Maritime Procedure Law refer to the written judgment, written ruling, mediation paper, and written arbitration award of China. The written judgment, written ruling, mediation paper, and written arbitration award of any foreign country supplied by a creditor shall be examined in accordance with Articles 266 and 267 of the Civil Procedure Law.

**Article 89** Where a creditor brings a suit to a maritime court other than the one making the registration of the credit rights, the maritime court accepting the case shall transfer the case to the maritime court registering the credit rights for trial, unless the case has proceeded to the second instance.

**Article 90** Where a creditor brings a suit for recognition of right with the maritime court registering the credit rights in accordance with Article 116 of the Special Maritime Procedure Law, he shall bring the suit within 7 days after the registration is made.

**Article 91** The three charges prescribed in Paragraph 2 of Article 119 of the Special Maritime Procedure Law shall be paid in sequence.

X. Procedures for the Summon of Priority Claims to the Ship

**Article 92** After the conclusion of a contract of assignment of ship and before the actual delivery of the ship, the assignee may apply for the summon of priority claims to the ship

The assignee's inability to supply the original ship certificate will not affect the filing of the application for the summon of priority claims to the ship.

**Article 93** The term “assignee” as prescribed in Article 120 of the Special Maritime Procedure Law refers to the buyer and the person with the intent to buy the ship in the ship assignment, however, the assignee must submit evidence proving actual assignment of the ship when applying to the court for an invalidating judgment.

**Article 94** Where the assignee of a ship applies for reconsideration with respect to a ruling disallowing the application for the summon of priority claims to the ship, the maritime court shall make the decision of reconsideration within 7 days.

**Article 95** After the ruling allowing the application for the summon of priority claims to a ship has become effective, the maritime court shall make public announcements through the newspaper or any other news media for 3 successive days. Where the ship under summon of priority rights may sail on international routes, the public announcements shall be issued through the newspaper or any other news media released to foreign countries.

**Article 96** Where an interested party files any priority claim during the period of summon of priority claims to the ship, the maritime court shall make a ruling terminating the procedure of summon of priority claims.

XI. Miscellaneous

**Article 97** Maritime litigations carried out within the People's Republic of China shall be governed by the Special Maritime Procedure Law. Matters not covered by the Special Maritime Procedure Law shall be governed by the relevant provisions of the civil procedure law.

**Article 98** The present Interpretation shall come into force on February 1, 2003.