

CML Admiralty Law Update: Recent Admiralty Judgments

9 January 2025

M Hotel Singapore, 81 Anson Road, Singapore 079908



On 9 January 2025, the Centre for Maritime Law (CML) at the Faculty of Law, National University of Singapore, hosted the CML Admiralty Law Update: Recent Admiralty Judgments at the M Hotel. Professor Paul Myburgh, Adjunct Research Professor, CML NUS Law and Professor of Law at Auckland University of Technology, delivered the course, attended by 33 legal practitioners and shipping professionals. In his lecture, Professor Myburgh discussed eleven cases reported between September 2023 and the end of 2024, including seven Singaporean, two Malaysian, one Australian, and one English judgment. In terms of the overview, it was an interesting year, and the Singapore and Malaysian admiralty courts have been very busy, in Professor Myburgh's opinion. The short course examined recent developments in admiralty jurisdiction and admiralty practice and procedure in two separate parts.

The Eco Spark (2024) was a favourite case, and Prof Myburgh also wrote a case analysis in LMCLQ ('Offshore Fish Farm of Stationary Ship' [2024] LMCLQ 218-221). This case concerned an action in rem in the Singapore High Court concerning a dispute over the definition of ship. Mohan J also considered the definition of ship in *The World Dream* (2024) in the context of ship finance.

The Argentum Exploration (2024) was a UK Supreme Court decision dealing with maritime liens and state immunity. *The Setia Budi* (2023), decided in the High Court Malaya in Kuala Lumpur, also concerned maritime liens following an allision in the inner anchorage of the Port of Kuantan. In his decision, Ong Chee Kwan J read the word 'proceedings' far more broadly than the Singapore case law.

Professor Myburgh opined that this was an important case because it suggests a divergence between Malaysian and Singapore law.

Natixis, Singapore Branch v Seshadri Rajagopalan (2024) was another action in rem in the Singapore High Court concerning the nature of statutory rights of action in rem where Mohan J interpreted the provisions of the Insolvency, Restructuring and Dissolution Act 2018 (2020 rev ed). *The Victor I* (2024) was another decision by Mohan J relating to beneficial ownership and 'relevant person' in statutory rights of action in rem.

The Global Falcon (2024) was the decision of the High Court of Malaya on the meaning of 'goods or materials supplied to a ship for her operation or maintenance' under the Senior Courts Act 1981. In his decision, Ong Chee Kwan J referred to the Singaporean case, *The Golden Petroleum* (1993).

The Merlion (2024), the only Australian case presented, Professor Myburgh indicated the importance of this case for comparative purposes, illustrating the differences in the wording of Australian admiralty legislation.

The other cases considered were: *The Sea Justice* (2024), which dealt with *forum non conveniens* and limitation of liability; *Cosco Shipping Specialized Carriers Co, Ltd v PT OKI Pulp & Paper Mills* (2024), on anti-suit injunctions; and *Hyphen Trading Ltd v BLPL Singapore Pte Ltd* (2023), which concerned the judicial sale of cargo *pendente lite*.

