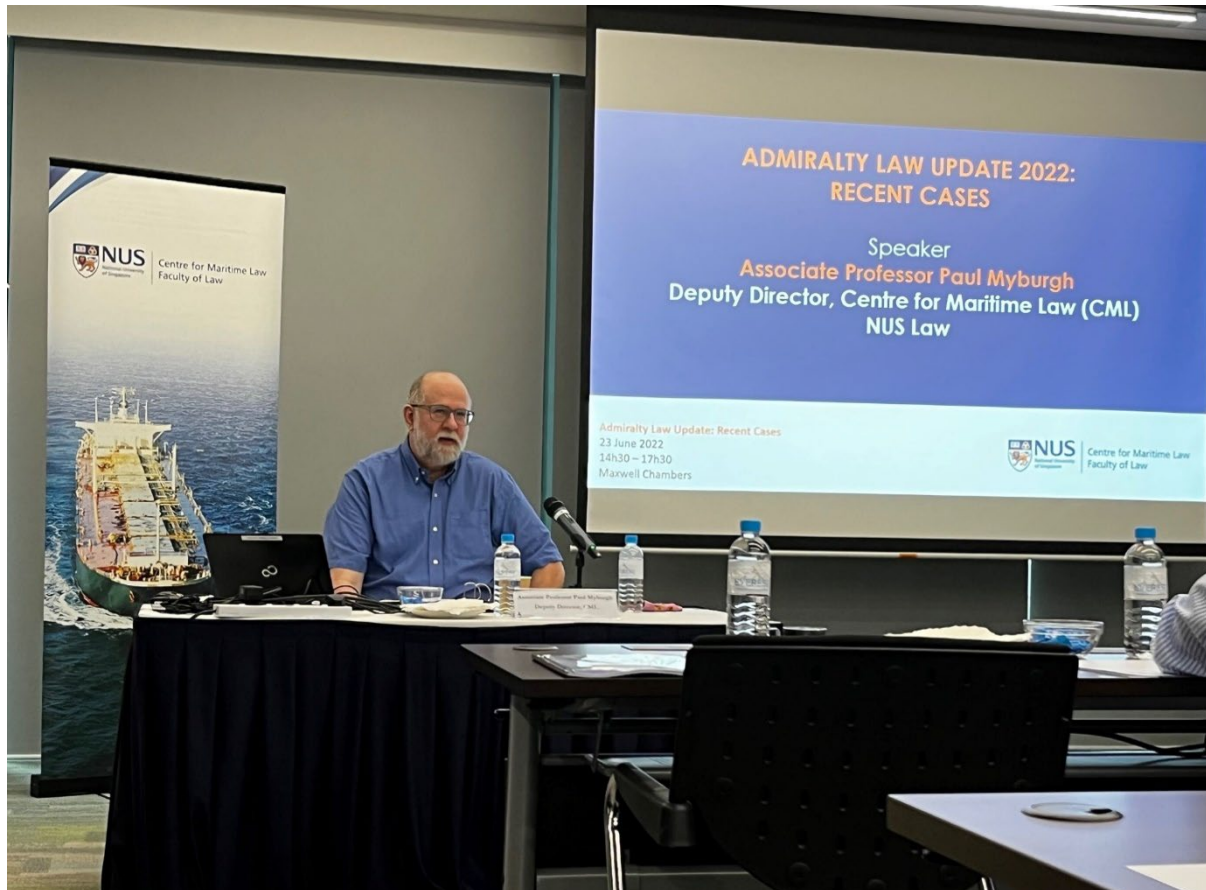


CML Admiralty Law Update 2022: Recent Cases

23 June 2022

Maxwell Chambers



The Centre for Maritime Law, Faculty of Law, National University of Singapore, was pleased to reconvene our 'Admiralty Law Update'. This in-person seminar was held on 23 June 2022 at Maxwell Chambers and was attended by 25 lawyers and industry participants. The seminar was conducted by Associate Professor Paul Myburgh and covered 16 cases from 2021-2022.

First, A/P Myburgh focused on three recent maritime lien cases from Malaysia, the UK, and India: *The Wantas 17 v My Ferry 2*, *Argentum Exploration Ltd v The Silver*, and *The Swedish Club v V8 Pool Inc*. He discussed damage liens arising from collision, the 'one ship' rule and its application to tug and tow scenarios; salvage liens and the absolute and restrictive doctrines of foreign state immunity; and wages liens in the context of recent updates to the Maritime Labour Convention and P&I Club payments of seafarers' wages.

Second, he discussed issues regarding statutory rights of action in rem and the 'in personam' link which had arisen in recent cases, analysing the Irish Court of Appeal decision in *The MV Lady Magda* and the High Court of South Africa decision in *Van Niekerk v the MV Madiba 1*.

The third topic was wrongful arrest, and focused on the useful and concise formulation of the issue provided by the Singapore Court of Appeal decision in *The Luna*.

The fourth topic dealt with security in admiralty proceedings, and particularly the very recent and significant EWCA decision in *M/V Pacific Pearl Co Ltd v Osios David Shipping Inc*, which dealt with collision jurisdiction agreements on the ASG2 form, sanctions clauses, and the requirement to accept security offered in a satisfactory form.

The fifth topic covered five Singapore and Malaysian cases on admiralty practice and procedure, which dealt with amendments of pleadings, causes of action, material non-disclosure, the time-bar defence, the status and role of interveners, default judgments, and the single liability principle in assessing damages in collision cases.

The sixth topic dealt with limitation of liability for maritime claims and forum non conveniens, notably the Hong Kong Court of Appeal decision in *Pusan Newport Co Ltd v The Milano Bridge*, and the US District Court judgment in *Re Energetic Tank Inc* concerning a collision between a US naval vessel and tanker in Singapore waters.

Finally, Prof Myburgh discussed the interface between admiralty law and insolvency proceedings, focusing on the Singapore decision in *The Ocean Winner* and the Malaysian decision in *Dan-Bunkering (Singapore) Pte Ltd v The PDZ Mewah*.

The event ended with a lively Q&A session from the audience.

