



**THE SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF  
APPEAL

**From:** The Registrar, Supreme Court of Appeal

**Date:** 28 April 2026

**Status:** Immediate

*The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal*

*MV “Tai harmony” and Another v Sure success steamship S.A and Another (953/2024 and 923/2024) [2026] ZASCA 60 (28 April 2026)*

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Today, the Supreme Court of Appeal (this Court) dismissed, with costs, an appeal against an order of the Eastern Cape Division of the High Court, Gqeberha (the high court), directing the provision of additional security in terms of s 5(2)(d) of the Admiralty Jurisdiction Regulation Act 105 of 1983 (Admiralty Act). This Court further struck from the roll, with costs, an application to adduce further evidence and an application for leave to appeal arising from related interlocutory proceedings.

The matters arose from maritime proceedings instituted by Sure Success Steamship S.A. in support of arbitration proceedings in London. The high court caused the arrest of the vessel MV “Tai Harmony” in South Africa in terms of s 5(3) of the Admiralty Act as security for claims arising from an alleged breach of a charterparty, including unpaid hire charges. Security was furnished for the release of the vessel by way of a letter of undertaking.

Following the subsequent settlement of a bunker fuel claim with suppliers, the respondent applied for an increase in the security already provided in terms of s 5(2)(d) of the Admiralty Act in the high court. It contended that the original security was insufficient to cover both the hire and bunker claims. The high court granted the order increasing security.

On appeal, the appellants contended, inter alia, that the arrest was defective, that there was no association between the vessels, that the high court lacked jurisdiction to entertain the top-up application, and that no prima facie case had been established in respect of the bunker claim.

This Court rejected these contentions. It held that a claimant seeking additional security under s 5(2)(d) of the Admiralty Act must establish, on a prima facie basis, that existing security is insufficient and that there is a genuine and reasonable need for further security. This Court found that these requirements had been met. It further held that the South African courts retained jurisdiction following the furnishing of security by virtue of the continuing deemed arrest provisions under s 3(10)(a)(i) of the Admiralty Act.

The second matter concerned an order of the high court referring disputes regarding association for the hearing of oral evidence in terms of Rule 6(5)(g) of the Uniform Rules of Court (the Rules). The applicants sought leave to appeal against that order and sought to adduce further evidence.

The SCA held that a referral to oral evidence under Rule 6(5)(g) of the Rules is interlocutory and procedural in nature and does not finally determine the rights of the parties. It therefore does not constitute an appealable decision. As the order was not appealable, this Court held that it lacked jurisdiction to entertain the application for leave to appeal or the application to adduce further evidence.

As a result, the appeal in the first matter was dismissed with costs, and the applications in the second matter were struck from the roll with costs, including the costs of two counsel where so employed.

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