

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 15 September 2011

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.

TRANSNET LTD V THE OWNER OF THE ALINA II

After the Alina II had loaded its cargo at the Langebaan terminal in Saldanha Bay it was found to have hull damage allowing the ingress of water. The cargo had to be discharged and the vessel only left the berth and the port some 6 months later. Transnet advances substantial claims against the owner of the vessel arising out of this incident. It arrested the vessel in an admiralty action in rem and then sought to attach it in order to obtain greater security for its claim. The high court set aside the attachment and the Supreme Court of Appeal dismissed an appeal against that order. It did so on the narrow ground that by defending the action in rem the owner of the vessel had already submitted to the jurisdiction of the South African courts in respect of these claims and accordingly an attachment was both unnecessary and impermissible.