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by Ss Ss

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Ship arrest refers to the civil law procedure in which a ship or a marine vessel is arrested by the judicial process and is held under the authority in a given power waiting for the identification of present as well as future claims associated with the ship. An arrest prevents the ship from leaving the port. It tends to be under the authority of a court as well as a certain judicial authority.

There are several reasons that can lead to the arresting of a ship. A ship can be arrested as a result of a civil claim. The civil law system allows the arrest for any claim against the owner of the ship even though it was not of maritime. Maritime claims can as well lead to the arrest of a ship. Maritime claims are effective to the seafarers and in which one can arrest a ship are for wages, repatriation as well as personal injury and death. Basically, a ship can be arrested in order to attain security not allowing that in regard to the jurisdiction clause in an effective contract, the maritime claim in regard to the arrest is effected is to be adjudicated in a state other than the state in which the arrest is affected (SRI, 2021).

If for any reasons the claim does not connect to the ship, warranty has been put before arrest the claim is not substantiated and the arrest is considered to be wrongful. In case the arrest isn't related to maritime claims, it is possible to be an inappropriate detention and a notice of protest should be provided and again the club notified to attain more advice as well as help of local lawyers and correspondents. This wrongful arrest leads having some financial losses and may induce disastrous repercussions. Basically, wrongful arrest can lead to high losses and liability on claimant. The 1952 convention provides free hand to state parties to identify the remedies. 1999 convention suggests to ask claimant for security before arrest. In order to make an arrest, it is essential to ensure that the action complies with the maritime claim.

A ship can only be released in case the arresting party consents to it or the court orders for the same. In case the authority identifies the dispute on the claim value, the claimant is required to offer an undertaking to pay on request all the costs associated with the ship's arrest. A third party can as well claim to have the right against the ship in which they should enter in a contractual plan to prevent the dealing with ship.

In regard to the legal claim against a specific ship, and in specific events, the law enables the arrest of another ship that belongs to the owner known as the sister ship. A ship that has been allowed by the pertinent commission to be arrested is mostly taken in-charge in colligation with a claim instead of a warrant of arrest for it. Thus the ship is held by judicial process so as to maintain a maritime claim, nevertheless, the arrest warrant doesn't show a seizure of a ship in execution of judgment (Cheng, 2020).

Any domestic or foreign ship can be arrested in regard to the maritime claim. Ship arrest procedure follows a given procedure. One begins by applying a ship arrest upon affirming that the claim form has been provided. If the authority considers it essential arrest then the ship becomes for the identified compensating expenses as well as an object to be sold to meet the claim.

For the conservatory ship arrest in KML, the court order is required. KML does not address the question of jurisdiction. Due to this civil and commercial proceedings law (art. 74). Sister ship arrest is allowed except when disputed mortgage of the ship. This arrest tends to be wrongful though there's no security from arrestor is needed on beforehand. The executive ship arrest in KML Art.79-87 rules on sales/auction in case ship is executed.

References

Cheng, E. (2020). Points to Consider if your Ship is Arrested. Retrieved from

<https://www.westpandi.com/publications/news/points-to-consider-if-your-ship-is-arrested/>

SRI. (2021). Arrest of Ships. Retrieved from [https://seafarersrights.org/seafarers-rights-fact-](https://seafarersrights.org/seafarers-rights-fact-files/arrest-of-ships/)

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