

Supreme Court of Appeal of South Africa

MEDIA SUMMARY– JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

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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.

IMPERIAL MARINE COMPANY V PASQUALE DELLA GATTA;
IMPERIAL MARINE COMPANY V FILIPPO LEMBO

These appeals arose from the arrest of the *Pasquale della Gatta* and the *Filippo Lembo* to obtain security for London arbitration proceedings. The disputes between the parties in those proceedings arise from a charterparty between Imperial Marine, a Greek concern, and Deiulemar, an Italian charterer. The disputes have been referred to arbitration. The parties to the arbitration make reciprocal allegations of breaches of the charterparty giving rise to substantial claims for damages. The Supreme Court of Appeal dealt with the proper approach to arrests of ships as security under the Admiralty Jurisdiction Regulation Act, the giving of counter-security by the arresting party and the determination of the amount of such security. In the result the arrest of the *Pasquale della Gatta* was set aside. The arrest of the *Filippo Lembo* was upheld but the court reduced both the security to be provided to Imperial Marine and the counter-security to be provided to Deiulemar.