

**ENVIRONMENT; COST OR EXPENSES RELATING TO
WRECKED, STRANDED, ABANDONED AND SUNKEN SHIP**

Section 4 (1) (v) of the Admiralty Act (2017) deals with the above subject claim on costs or expenses relating to raising, removal, recovery, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such vessel, and costs or expenses relating to the preservation of an abandoned vessel and maintenance of its crew.

Section 9 (4) of the Admiralty Act (2017) reads as:

(4) No maritime lien shall attach to a vessel to secure a claim which arises out of or results from—

(a) damage in connection with the carriage of oil or other hazardous or noxious substances by sea for which compensation is payable to the claimants pursuant to any law for the time being in force;

(b) the radioactive properties or a combination of radioactive properties with toxic, explosive or other hazardous properties of nuclear fuel or of radioactive products or waste.

In the 1993 Maritime Liens and Mortgage Convention, wreck removal is no longer included in the list of maritime liens but, to the extent that the removal is effected by a public authority in the interest of safe navigation or the protection of the marine environment, the costs of such removal are paid out of the proceeds of sale before all other claims secured by a maritime lien on the vessel (article 12(4)). Within the above limits, therefore, the costs of the removal had to be qualified as a maritime claim. It appeared, however,

reasonable to qualify all costs of removal as a maritime claim, irrespective of their priority in the distribution of the proceeds of sale.

The concept of abandonment is not the same in all cases; the abandoned ship is the ship abandoned by the crew, which therefore, may become a danger to other ships; the same conclusion cannot hold, since reference is also made to the maintenance of the crew of the abandoned ship. It follows that this time the intention is to refer to a ship abandoned by its owners.

Section 11 (3) of the Admiralty Act (2017) reads as

If the owner or demise charterer abandons the vessel after its arrest, the High Court shall cause the vessel to be auctioned and the proceeds appropriated and dealt with in such manner as the court may deem fit within a period of forty-five days from the date of arrest or abandonment. Provided that the High Court shall, for reasons to be recorded in writing, extend the period of auction of the vessel for a further period of thirty days.