

SHIP FOR DEMOLITION

Section 2 (1) (l) of the Admiralty Act (2017) defines vessel which includes any ship, boat, sailing vessel or other description of vessel used or constructed for use in navigation by water, whether it is propelled or not, and includes a barge, lighter or other floating vessel, a hovercraft, an off-shore industry mobile unit, a vessel that has sunk or is stranded or abandoned and the remains of such a vessel.

Explanation.—A vessel shall not be deemed to be a vessel for the purposes of this clause, when it is broken up to such an extent that it cannot be put into use for navigation, as certified by a surveyor.

The ship is no longer within the definition of a ship, the nature and category of the res is entirely altered, the court is without jurisdiction as there is no res, the ship has literally ceased to exist from the definition of a ship. A action in rem cannot be maintained in such situation.

The ship should cease to exist as a ship only at the time when beaching of the ship is complete and the ship should be declared dead only thereafter. In almost all instances when ships arrive for demolition are kept waiting at anchorage for being beached, the agent or the new owner or ship breaker or their representative files the bill of entry with the customs, the ship continues to wait at anchorage for high tide or for a convenient date for being beached. The period between arrival of the ship, waiting at anchorage, filing of the bill of entry, ship continuing to wait at anchorage even after filing of bill of entry and actual beaching of the ship are crucial. The ship can still navigate in technical sense until the ship is actually beached for demolition.

If a ship is condemned and is unserviceable at the time of sale and under an agreement, it was sold for breaking and scraping purposes, the condemned