

Evergreen Marine (UK) Limited (Appellant) v Nautical Challenge Ltd (Respondent)

Case summary

Issue

This appeal concerns the International Regulations for Preventing Collisions at Sea 1972, as amended ("the Collision Regulations"). The issues in the appeal are:

(1) The proper construction of the Collision Regulations. In particular whether the crossing rules are inapplicable, or whether they should they be disapplied where an outbound vessel is navigating within a narrow channel and has a vessel on her port (or starboard) bow on a crossing course approaching a narrow channel with the intention of and in preparation for entering it.

(2) On the proper construction of the Collision Regulations, in determining whether the crossing rules are applicable, whether there is a requirement for the putative give-way vessel to be on a steady course before the crossing rules can be engaged.

Facts

This appeal concerns a collision at sea between the appellant's vessel ("EVER SMART") and the respondent's vessel ("ALEXANDRA 1"). The collision took place on 11 February 2015 just outside the dredged channel by which vessels enter and exit the port of Jebel Ali in the United Arab Emirates. ALEXANDRA 1 was inbound; EVER SMART was outward bound. The damage suffered by ALEXANDRA 1 amounted to over US\$9.3 million and the damage suffered by EVER SMART amounted to over US\$2.5 million.

The Admiralty Court determined that the appellant's vessel, EVER SMART, should bear 80% of the liability for the collision and the respondent's vessel, ALEXANDRA 1, should bear 20%. The judge held that the crossing rules (Rules 15-17 of the Collision Regulations) did not apply and therefore that ALEXANDRA 1 did not navigate in breach of Rule 16, the crossing rule which was said by the appellant to have applied to the ALEXANDRA 1. The Court of Appeal dismissed the Appellant's appeal. The Appellant now appeals to the Supreme Court.