

Argentum Exploration Ltd (Respondent) v Republic of South Africa (Appellant)

Case ID: 2022/0162

Case summary

Issue

Whether the silver and the ship carrying it fell within the following provision of the State Immunity Act 1978 s.10(4)(a): "both the cargo and the ship carrying it were, at the time when the cause of action arose, in use or intended for use for commercial purposes" such that the Republic of South Africa is not immune to the jurisdiction of the United Kingdom in respect of Argentum's salvage claim.

Facts

This Appeal arises out of the salvage of a cargo of 2,364 bars of silver from the wreck of the SS TILAWA, a merchant vessel which was sunk in the Indian Ocean on 23 November 1942. The silver is, and was at all material times, owned by the Government of the Republic of South Africa ("RSA"). The majority of the silver was intended to be used for the production of coinage for the Union of South Africa. Argentum Exploration Ltd. ("Argentum") claims to have salvaged the silver in 2017. RSA has applied to strike out Argentum's claim for salvage, on the basis that RSA is immune from the jurisdiction of the United Kingdom under the State Immunity Act 1978.

Judgment appealed

[\[2022\] EWCA Civ 1318](#)

Parties

Appellant(s)

Republic of South Africa

Respondent(s)

Argentum Exploration Ltd

Appeal

Justices

Lord Lloyd-Jones, Lord Briggs, Lord Hamblen, Lord Leggatt, Lord Richards

Hearing start date

28 November 2023

Hearing finish date

29 November 2023

Watch hearing

28 November 2023 [Morning session](#) [Afternoon session](#)

29 November 2023 [Morning session](#) [Afternoon session](#)