

# Wreck Removal - but what about the cargo?

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# What are the Owners duties?

- Bill of Lading
- Wreck removal
- Conversion
- Abandonment
- Options

# Owners' duties

- Bill of Lading (contractual carrier)
  - Defences
- Bailment (non-contractual carrier)
  - Same defences?

# Wreck removal

- Wreck removal order
  - Danger to navigation
  - Danger to environment
  - Recover costs from Owner
- Wreck removal contract
  - Bespoke
  - Standard form
    - e.g. wreck hire / stage

## Wreck hire / stage

- Shipowners are party (not Club)
- What is to be removed?
- Vessel

*“Any vessel, craft, property, or part thereof, of whatsoever nature, including anything contained therein or thereon, such as but not limited to cargo and bunkers, as described in Box 4.”*

## Area concerned

- Usual to provide for debris removal
  - Field
  - Size
- Will/must include cargo
- Could have value

# Cargo abandonment

- Abandon to underwriters, not abandonment to owners
- Title usually remain with cargo owners; it is not nothing (*res nullius*)
- Owners could abandon vessel/voyage, but liability remains due to Authorities powers

# Disposal of cargo

- Consider:
  - If cargo not abandoned; and
  - Owners have duty to deliver it; but
  - Dispose of it under wreck contract

- Then:
  - Liable for tort of conversion

*“A positive wrongful act of dealing with the goods in a manner inconsistent with the owners’ rights, and that intention in so doing to deny the owners’ rights or to assert a right inconsistent with them.”*



# Wreck contract obligations

- Contract provides delivery to Owners (ship)
- Owners need to provide storage (hence cost)
- If cargo not taken, storage costs mount up

# How to avoid liabilities

- Obtain evidence of abandonment
  - Write to cargo
  - Time limit to respond
  - Treat as abandoned
- Seek Court Order
  - Use letter as evidence
  - Otherwise wait long time
- Take a risk

# Can Owners recover?

- Salvage?
- Not unless volunteer
- P&I Club?
- GA
- Maybe if end of voyage and for common interest
- Cargo may not pay and assert Owners liable under the Bill

Cargo and wreck

**Questions?**