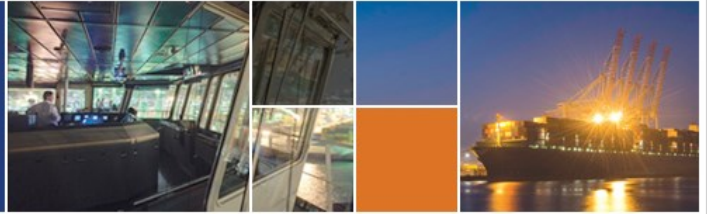




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## Trespassers / Stowaways at South African Ports

March 2018

Shepstone & Wylie, the Club's legal correspondents in Durban, spoke at a conference about Trespassers and Stowaways which underlined the need for ship's vigilance in South African ports.

This is clearly an ongoing issue and it is worth reading Steamship Mutual's Risk Alert 39 about stowaways and trespassers in South Africa, and in particular Durban.

<https://www.steamshipmutual.com/Risk-Alerts/RA39stowawaysouthafrica0314.pdf>

Trespassers is the term generally used for illegals already present within South Africa, who try to gain access to a ship to become stowaways.

Steamship Mutual's Risk Alert 39 reported that the authorities were taking the view that costs for repatriating these trespassers/stowaways were for the vessel even though the trespassers/stowaways were already in South Africa. That still seems to be the case, but Shepstone & Wylie say that the legal basis for making ships pay for these repatriation and detention costs is uncertain. In a talk published on their website, Shepstone & Wylie speak about a case where the law firm was able to persuade a court to accept a club letter for costs of repatriation and detention. The provision of a club letter allowed the vessel to sail, and when the case was decided in the South African courts (some months later) the court ruled that the ship did not have to pay these costs.

This is encouraging news for shipowners, but it is not clear whether this will set a precedent for any future cases of trespassers. The case also involved some delay to the ship concerned. So prevention is still a crucial factor in avoiding such incidents and in avoiding delay. Steamship's Risk Alert 39 remains valid and we recommend that members remind their vessels of its contents.

Meantime Wesley Wood's talk can be viewed on the Shepstone & Wylie website  
<http://www.wylie.co.za/videos/shipping-logistics-summit-trespassers-removed-vessel/>

