



SEMAPHORE

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High Court Issues Guidance for MV Rena Limitation Fund Claimants

Following the High Court judgment of 15 March 2013 establishing a limitation fund for claims arising from the grounding of the MV Rena, the court has issued further directions to claimants that have filed claims against the fund [1].

The earlier order allowed the owners of the Rena to limit their liability to NZ\$11,030,110 for any claims for loss or damage arising from the grounding. Advertisements were placed in newspapers throughout New Zealand and overseas for claims to be filed. Seventy-four claims have been filed in the High Court registry. The court noted that all of the claims came within the limitation cap; however, not all of the claims had been fully quantified. The claims generally fell into two categories:

- claims for damage to or loss of cargo; and
- claims for damage or loss arising from the environmental impact or business interruption caused by the oil pollution.

The court noted that in New Zealand, litigation of this type and on this scale is unprecedented and will require careful case management through to hearing. Reflecting this, the court made orders for service to be carried out by email and discussed the future possibility of setting up a 'drop box' for the exchange of memoranda and appearances on the matter, but this requires the agreement of all parties before it can be taken any further. To move the claims towards hearing, the court made certain procedural directions to the parties, including orders for further particulars and for statements of claim to be filed and served. The court noted that it is possible that some claims may need to be heard separately and preliminary questions, including whether claims are statute barred, may also require resolution. It appears that it will take some time for all claims to be fully determined by the court.

For further information on this topic please contact Kerryn Webster or Felicity Monteiro at Wilson Harle by telephone (+64 9 915 5700), fax (+64 9 915 5701) or email (kerryn.webster@wilsonharle.com or felicity.monteiro@wilsonharle.com). The Wilson Harle website can be accessed at www.wilsonharle.com.

Endnotes

[1] *Daina Shipping Company Ltd v MV Rena Claimants* [2013] NZHC 3450.



*Wilson Harle
Senior Associate
Kerryn Webster*



*Wilson Harle
Senior Associate
Felicity Monteiro*