

20,1980

No. 19 of 1978

IN THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL

O N A P P E A L
FROM THE COURT OF APPEAL IN SINGAPORE

B E T W E E N :

BANKERS TRUST INTERNATIONAL LIMITED

Appellants

(Interveners in Admiralty
Action in Rem. No. 150 of
1974)

(Plaintiffs in Admiralty
Action in Rem. No. 151 of
1974)

- and -

TODD SHIPYARDS CORPORATION

Respondents

(Plaintiffs in Admiralty
Action in Rem. No. 150 of
1974)

(Interveners in Admiralty
Action in Rem. No. 151 of
1974)

SUPPLEMENTAL
CASE FOR THE RESPONDENTS

Respondents' Supplementary Case.

1. Paragraphs 29 - 33 of the Appellants' Case setting out an account of the law of priorities in France, Belgium, the Netherlands and West Germany have not previously been introduced in argument, nor has any evidence been adduced to support the facts alleged.

2. The Respondents object to the introduction of fresh evidence before the Judicial Committee of the Privy Council.

3. Alternatively the Respondents will contend

a) as to paragraph 31 lines 41-43 which asserts that in Dutch law a mortgagee has priority over a claimant who has supplied goods or carried out repairs to the ship is contrary to certain decisions of the Courts of First Instance in Rotterdam, Haarlem and Middleburg. 10

b) as to paragraphs 29 and 30 - French and Belgian law - the nature of a maritime lien is materially different in France, and it is thought also in Belgium, in that a maritime lien does not give rise to an action in rem nor does it survive even as a right to arrest the ship once the ship has been sold to a bona fide purchaser and the sale publicised. 20

R. F. Stone Q.C.

Jervis Kay

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SUPPLEMENTAL
CASE FOR THE RESPONDENTS

Messrs. Linklater & Paines,
Barrington House,
59/67 Gresham Street,
London EC2V 8JA

Solicitors for the Appellants

Messrs. Thomas Cooper and Stibbard,
27 Leadenhall Street,
London EC3A 1AB

Solicitors for the Respondents