

# **Alize 1954 and another (Appellants) v Allianz Elementar Versicherungs AG and others (Respondents)**

**Case ID: 2020/0071**

## **Case summary**

### **Issue**

Whether seaworthiness for the purposes of Article III Rule 1 of the Hague-Visby Rules includes navigational decisions taken by the crew taken prior to commencement of a voyage.

### **Facts**

The Appellants are the owners of the ship CMA CGM LIBRA; the Respondents are cargo interests. The ship was run aground shortly after leaving Xiamen en route to Hong Kong. The grounding occurred due to a series of errors in navigation by the master of the ship during a manoeuvre which took him outside the buoyed fairway running from the port. The master was following a passage plan, made before the voyage, which was defective in that it did not provide proper details warning of the existence of depths less than charted outside the fairway. The judge at first instance held the errors in the passage plan were causative of the master's errors. The question is whether the errors in the passage plan were such as to make the CMA CGM LIBRA unseaworthy.

### **Judgment appealed**

[\[2020\] EWCA Civ 293](#)

### **Parties**

#### **Appellant(s)**

1. Alize 1954
2. CMA CGM SA

#### **Respondent(s)**

Allianz Elementar Versicherungs AG and others

### **Appeal**

#### **Justices**

Lord Reed, Lord Briggs, Lady Arden, Lord Hamblen, Lord Leggatt

#### **Hearing start date**

7 July 2021

**Hearing finish date**

8 July 2021

**Watch hearing**

7 July 2021 [Morning session](#) [Afternoon session](#)

8 July 2021 [Morning session](#) [Afternoon session](#)

**Judgment details****Judgment date**

10 November 2021

**Neutral citation**

[2021] UKSC 51