**REPLY TO THE CMI ‘FOLLOW-UP QUESTIONNAIRE’ RECEIVED ON 9 JULY 2019 WITH REGARD TO LIABILITY FOR WRONGFUL ARREST OF SHIPS**

*Your name*

**Answer:**

*1.1. Jurisdiction*

**Answer:**

*1.2. How many years have you been practising?*

**Answer:**

*1.3. How many arrests of ships take place annually, more or less, in your jurisdiction?*

**Answer**:

*2. Have you or your colleagues dealt with a wrongful arrest case, or one that was considered to be close to wrongful?*

**Answer**:

*3. Did it take place within your jurisdiction – or in another- and which?*

**Answer**:

*4. If yes, provide details of the case.*

**Answer**:

*5. Was there a procedural mistake or defect?*

**Answer**:

*6. Were any tactics used by the arrestor to put pressure on the shipowner?*

**Answer**:

*7. Was the arrest aiming to challenge:*

*7.1. the inherent jurisdiction of another state; or*

**Answer**:

*7.2. the jurisdiction agreed by the parties to the dispute in an arbitration agreement; or*

**Answer**:

*7.3. was the arrest made for the sole purpose of obtaining security for the claim?*

**Answer**:

*8. Was security for the claim readily available?*

**Answer**:

*9. What was the outcome in your example?*

**Answer**:

*10. Do you want CMI to make proposals for some degree of uniformity in the law on wrongful arrest of ships, or not?*

**Answer**:

*11. Instead of unification, would you support the provision of:*

*11.1. counter security (i.e. a requirement to lodge funds or equivalent security in Court); or*

**Answer**:

*11.2. cross undertaking to be provided as a condition of the arrest?*

**Answer**:

*12. What exemptions should there be in such a provision and for whose protection?*

**Answer**:

*13. What should the test for wrongful arrest be (i.e. negligence, gross negligence or other)?*

**Answer**:

*14. In the event of a finding of wrongful arrest, what remedy do you consider would be appropriate/fair?*

*14.1. an award of the legal costs incurred by the S/O to bring the W/A claim?; or*

**Answer**:

*14.2. damages for all losses suffered by the S/O, if he proves that they were caused solely by reason of the wrongful arrest?*

**Answer**:

*15.1. Would you opt for an alternative remedy to damages?*

**Answer**:

*15.2. if yes, what would you suggest?*

**Answer**:

*Please provide any further comments or observations which you believe would assist CMI in the furtherance of this project.*