

**CRAIG CUNNINGHAM**

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**Overview**

Craig Cunningham is the head of our Shipping Practice.

He specialises in contentious and non-contentious matters in this field. Craig advises ship owners, charterers and their insurers in claims, investigations, matters of liability, arrests, matters involving vessels lost or involved in collisions, selling and administering the funds of vessels and representing salvors in local litigation involving the salvage of vessels. He also acts for various clients in sale and leaseback transactions as well as registration of securities in the purchase of vessels. His experience extends to casualty facilitation in the rest of Africa.

He has B.Com from the Nelson Mandela Metropolitan University and LLB and LLM degrees from the University of Cape Town. He is also a qualified notary.

**Experience**

**Craig has been involved in a number of contentious matters on behalf of ship owners, charterers and their insurers, including:**

- Acting on behalf of the owners of vessels arrested as associated ships in successful applications to set aside the arrests involving, amongst others, the vessels "Rizcun Trader", "Asian Hope" "Bavarian Trader" and "Asturcon";
- Bringing successful applications to arrest associated ships, including most recently the vessels "Ursus", "Ephesus" and "Samjohn Solidarity";
- Acting for plaintiff claimants in successful in rem arrest actions, including the vessels "Ainaftis" and "Deep Venture" and bunker attachments, including most recently the vessel "Coronis";
- Representing owners and their insurers in respect of cargo damage claims;
- Representing various international banks in workouts in both South Africa and Namibia, in selling vessels and administering the resultant ship funds, including resolving complex cross border insolvency issues involving, amongst others, the vessels "Mighty Deliverer", "Ruby Deliverer", "Sara V", "E Whale", "Aetos", "Sadan K" & "Zeynep K", "Panos Creation", "Maverick Guardian", "Antaeus" and "Trident Legacy";
- Representing owner's P&I and/or H&M underwriters in respect of the investigation of main engine breakdowns, groundings and shell plate damage off the Southern African coastline, negotiating with local authorities and arrangements for the transshipment of cargo involving, amongst others, the vessels "Halim", "Lola", "Long Charity", "Pine Trader", "Azure", "Modern Drive", "RDO Concord", "Boundary", "Sophie", "Marcherokee", "Biz", "Kiani Satu" and "Seroja Lima";
- Advising charterers and their insurers in respect of liabilities arising from a casualty in the "Nena J";
- Representing the owners and H&M underwriters of vessels lost or involved in collisions off the Southern African coast including the "Alexandros T", "Anangel Splendour", "Maritime Master", "Oliva", "Border", "Boundary" and "Sunrise Jade";
- Representing salvors in local litigation involving the salvage of the vessels "Shinkai Maru", "Sea Elegance", "Pine Trader" and "Smart".

### Non contentious matters include:

- A sale and leaseback transaction involving an Atlantic lobster fishing fleet (acting for the financier);
- A sale and leaseback of fishing vessels and a processing plant (acting for the financier and purchaser); and
- Registration of security bonds and mortgages for Mortgagees in the purchase of fishing vessels, blue water tonnage, commercial vessels, catamarans, luxury yachts and sport fishing craft.

### Particular experience of casualty facilitation in the rest of Africa:

- Representing the owners and P&I insurers of a vessel grounded off Madagascar in a marine reserve with resultant pollution from spilled bunkers;
- In conjunction with Bowmans Kenyan office, advising salvors on local legislation and procedures in relation to obtaining salvage security following a grounding at Mombasa, Kenya;
- Assisting, in conjunction with the South African surveyor, the H&M underwriters in respect of a vessel which sank and blocked the container berth at Luanda, Angola;
- Acting for the H&M underwriters covering FFO losses following dock damage at Maputo, Mozambique;
- Attending for the H&M underwriters in respect of a vessel grounded at Beira, Mozambique and subsequently facilitating associated P&I elements;
- Attending on behalf of the H&M underwriters to take statements and facilitate local repair arrangements following a crankcase explosion off Walvis Bay, Namibia.

### Craig has also been involved in the following reported cases:

- The Nyk Isabel: Northern Endeavour Shipping Pte Ltd v Owners of the NYK Isabel and Another [2016] 3 All SA 418 (SCA)
  - The Agatis: Aquarius Maritime Pte Ltd v The Agatis 2015 SCOSA B551 (WC)
  - The Sliver Star: Owners of the MV Silver Star v Hilane Ltd 2015 (2) SA 331 (SCA)
  - The Sliver Star: Hilane Ltd v Action Partner Ltd and Others 2014 (2) SA 392 (ECP)
  - The Pasquale della Gatta and The Filippo Lembo: Imperial Marine Company v Motor Vessel Pasquale della Gatta and Another; Imperial Marine Company v Motor Vessel Filippo Lembo and Another 2012 (1) SA 58 (SCA)
  - The Chenebourg: Lauritzen Bulkers A/S v MV Chenebourg (Swiss Marine Corporation Ltd Intervening) and Another 2011 (4) SA 467 (KZD)
  - The Alina II: Transnet Ltd v Owner of MV Alina II 2011 (6) SA 206 (SCA)
  - The Alina II: Transnet Limited v The Owner of The MV Alina II 2010 SCOSA A81 (WC)
  - The Vogerunner: TMT Bulk Co Ltd v Bunkers Laden Aboard MV Vogerunner (Billion Gain Enterprise Co (HK) Ltd Intervening) 2010 (3) SA 138 (WCC)
  - The Asian Hope: Asian Hope Shipping Ltd v Ocean Trade SA 2007 SCOSA C115 (D)
  - MV Rizcun Trader (No 4): MV Rizcun Trader v Manley Appledore Shipping Ltd 2000 (3) SA 776 (C)
  - The Rizcun Trader (No 3): Manley Appledore Shipping Ltd v MV Rizcun Trader 1999 (3) SA 966 (C)
  - The Rizcun Trader (No 2): Manley Appledore Shipping Ltd v Owner of the Rizcun Trader 1999 (3) SA 956 (C)
  - The Rizcun Trader (No 1): MV Rizcun Trader v Manley Appledore Shipping Ltd 1999 (3) SA 953 (C)
  - The Ocean King (No 2): MV Ocean King den Norske Bank ASA v MV Ocean King, Her Owners and All Other Persons interested in Her (Sheriff for the District of the Cape intervening) 1997 (4) SA 349 (C)
  - The Ocean King (No 1): Den Norske Bank ASA v MV Ocean King, Her Owners and All Other Persons interested in Her (Sheriff for the District of the Cape intervening) 1997 (4) SA 345 (C)
  - The Tao Men: The Tao Men v Degueldre 1996 (1) SA 559 (C)
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- Chambers & Partners 2017 ranked Craig in Band 2 for Shipping.
  - Legal 500 2017 lists Craig as a recommended lawyer for Shipping and Transport.

Head of the shipping and logistics team Craig Cunningham is seen to be "a capable lawyer and formidable opponent" by peers. He has gained years of experience handling complex ship arrest and casualty cases. One recent matter saw him act for the hull and machinery and P&I underwriters following a

collision between the 'MV Genco Tiberius' and the berth at Richards Bay. Clients say: "He is level headed, goes the extra mile, and is customer-focused and responsive." – **Chambers and Partners 2017**

## **Publications & Insights**

- Urgent court application results in recognition in SA of US bankruptcy law