



# VESSEL ARREST IN NIGERIA: THE EXECUTIVE BLUEPRINT FOR ADMIRALTY INTERVENTION

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## INTRODUCTION

The Nigerian maritime sector is governed by a sophisticated framework designed to provide rapid relief to claimants. The Federal High Court (FHC) exercises exclusive jurisdiction over admiralty matters, operating under the Admiralty Jurisdiction Act (AJA) and the transformative Admiralty Jurisdiction Procedure Rules (AJPR) 2023.

### 1. THE POWER OF THE "IN REM" ACTION

In Nigeria, a vessel is treated as a legal entity. A claimant can initiate an action in rem (against the "thing"), allowing for the arrest of the vessel regardless of whether the shipowner is personally within the jurisdiction.

**Strategic Note:** The AJPR 2023 now explicitly allows for the arrest of a vessel in Nigeria to provide security for proceedings pending in foreign courts or international arbitral tribunals. This is a critical tool for global GC teams managing cross-border disputes.





## 2. GROUNDS FOR ARREST

Under Nigerian law, maritime claims are categorized into two primary tiers. Understanding these is vital for assessing the strength of a potential intervention.

CLAIM TYPE	EXAMPLES	LEGAL STANDING
<b>Proprietary Claims</b>	Disputes over possession, title, or mortgage.	Direct claim against the vessel's ownership.
<b>General Maritime Claims</b>	Damage to cargo, unpaid bunkers, crew wages, personal injury, and towage.	Requires the "relevant person" (owner/charterer) to have been liable when the cause of action arose.

## 3. OPERATIONAL FRAMEWORK: THE ARREST PROCEDURE

For an Admiralty law firm in Lagos, Nigeria, speed is the primary metric of success. The process is designed to be completed within 24 to 48 hours of instruction.

**1. Filing the Writ in Rem:** Immediately a Writ of Summons is filed at the Federal High Court.

Under the 2023 Rules, e-filing is now the standard, allowing for faster processing than traditional paper filing.

**2. Ex-Parte Application for Warrant:** Within 24 Hours. The claimant moves an ex-parte motion for a warrant of arrest. This is supported

by an Affidavit of Urgency and an undertaking to indemnify the court for the cost of the Admiralty Marshal's expenses.

**3. Execution by Admiralty Marshal:** Real-time. Once the warrant is issued, the Admiralty Marshal (or a Deputy) physically serves the warrant on the vessel. The vessel is then "under the hand of the court" and cannot sail.

**4. Substitution of Security:** Post-Arrest. To release the vessel, the defendant usually provides a Bank Guarantee or a P&I Club Letter of Undertaking (LOU). Once the court approves the security, the vessel is released to resume trading.



#### 4. AVOIDING THE TRAP OF "WRONGFUL ARREST"

Nigeria is a "strict liability" jurisdiction regarding the costs of arrest, but the court may award damages if an arrest is found to be malicious or without reasonable cause.

- **Caveats:** Before filing, our firm conducts a mandatory search of the Caveat Register. Arresting a vessel that has a valid Caveat Against Arrest (where security has already been promised) can lead to significant liability.
- **Indemnity:** Claimants must be prepared to provide an undertaking for damages, which protects the shipowner against losses incurred during a groundless detention.

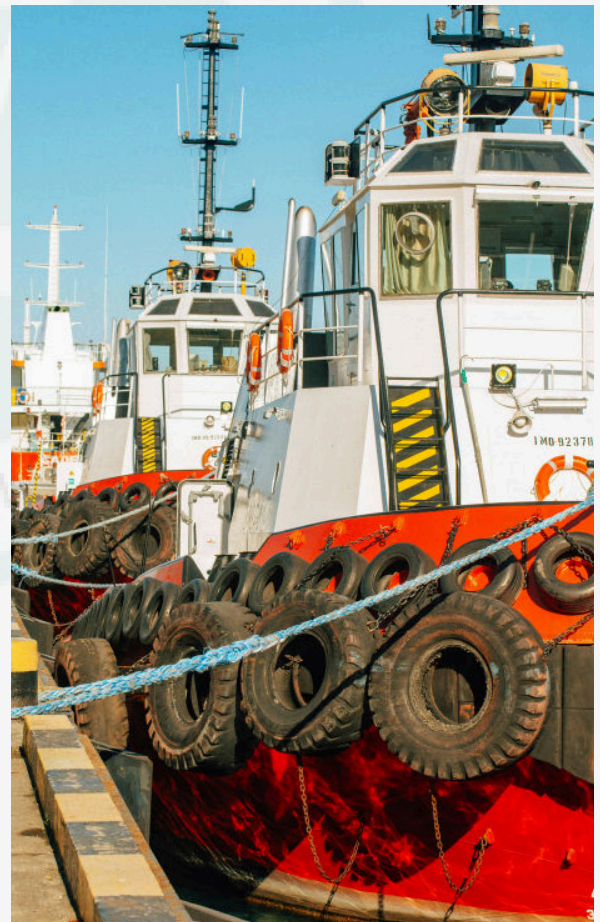
#### 5. THE 2026 LANDSCAPE: THE BEIJING CONVENTION

As of February 2026, the Beijing Convention on the International Effects of Judicial Sales of Ships has entered into force. For international boards, this provides a "clean title" guarantee. If a vessel is sold by a Nigerian court following an arrest, that sale is now recognized globally, preventing re-arrest in other signatory nations for pre-sale debts.

#### WHY ADEOLA OYINLADE & CO?

As a premier Admiralty law firm in Lagos, Nigeria, we provide:

- **24/7 Intervention:** Maritime emergencies don't keep office hours.
- **Global Connectivity:** Seamless coordination with foreign General Counsel and P&I Clubs.
- **Regulatory Mastery:** Deep integration with the Nigerian Ports Authority (NPA) and NIMASA.



*Disclaimer: This article is intended to provide a general overview of the subject matter and does not constitute formal legal advice. For specific advise on International Shipping, Admiralty, and Vessel Financing, please reach out directly to Adeola Oyinlade & Co*

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