

## Small Claims success for Major Marina Chain

A recent small claim serves as a sage reminder that courts will apply same contractual principles whether the claim is £4k or £400k.

The Claimant owner of a vessel stored at a marina, which was part of a major marina chain (the "Marina"), sued the Marina for damages following an alleged breach of contract. The breach was said to have occurred when the Claimant was switched from a berthing agreement to a storage ashore contract. At the outset, the court found there was no basis for the majority of the damages sought, which referred to fees that had never been paid by the Claimant and were not pursued by the Marina as a counterclaim. Any potential claim had to be restricted to the small sum representing the costs of transporting the vessel after the contract had ended.

The court found that there had been a breakdown of the relationship between the parties, but that ultimately there was no breach. In the alternative, it was held that any potential dispute was resolved during a meeting between the Marina and the Claimant, where the Marina had made significant concessions and, in return, the Claimant agreed to remove his vessel and store it elsewhere.

The sum was modest, yet the claim had reputational significance for the Marina. It further serves a reminder that on the small claims track, whilst procedural rules are relaxed and the hearing more informal, the same legal principles apply. Claimants still bear the burden of proving their claim, including that the losses sought were caused by the alleged breach.

Katy Handley of 4 Pump Court was instructed by Elliot Bishop of Bargate Murray on behalf of the Marina.



### **ELLIOT BISHOP - Director**

Elliot is well known in the marine sector and has acted in multi-jurisdictional litigation on behalf of major banks and insurers in respect of policy coverage issues and international enforcement of loan security against pleasure boats and superyachts.

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