Ship Arrests in Practice

10th Edition

A comprehensive guide to ship arrest & release procedures in 87 jurisdictions

Written by Shiparrested.com Members

2016

Welcome to the tenth edition of *Ship Arrests in Practice*.

When first designing this publication, I never imagined it would come this far. It is a pleasure to announce that we now have 87 jurisdictions examined under the questionnaire I drafted years ago.

For a decade now, this publication has been circulated to many industry players. It is a very welcome guide for parties willing to arrest or release a ship worldwide: suppliers, owners, insurers, P&I Clubs, law firms, and banks are some of our day to day readers.

Thanks are due to all of the members contributing to this year's publication and my special thanks goes to the members of the Editorial Committee who, as busy as we all are, have taken the time to review the publication to make it the first-rate source that it is.

The law is stated as of 31st of December 2015.

Felipe Arizon

Editorial Committee of the Shiparrested.com network:
Richard Faint, Kelly Yap, Francisco Venetucci,
George Chalos, Marc de Man,
Abraham Stern, and
Dr. Felipe Arizon

N.B.: The information contained in this book is for general purposes, providing a brief overview of the requirements to arrest or release ships in the said jurisdictions. It does not contain any legal or professional advice. For a detailed synopsis, please contact the members' law firm.

TABLE OF CONTENTS

FOREWORD 2
TABLE OF CONTENTS 3
QUESTIONNAIRE 4

SHIP ARREST IN

1. Algeria 5
2. Argentina 8
3. Australia 11
4. Austria 16
5. Bahamas 20
6. Belgium 23
7. Benin 27
8. Brazil 31
9. Bulgaria 35
10. Cambodia 39
11. Cameroon 43
12. Canada 47
13. Chile 51
14. China 55
15. Colombia 61
16. Costa Rica 64
17. Croatia 67
18. Curaçao 71
19. Cyprus 74
20. Denmark 78
21. Dominican Republic 82
22. Equador 86
23. Egypt 91
24. England & Wales 95
25. Estonia 99
26. Faroes 103
27. Fiji 106
28. Finland 110
29. France 114
30. Georgia 117
31. Germany 121
32. Ghana 125
33. Gibraltar 129
34. Greece 133
35. Hong Kong 137
36. Iceland 141
37. India 145
38. Iran 149
39. Iraq 152
40. Ireland 155
41. Israel 159
42. Italy 163
43. Ivory Coast 169
44. Japan 173
45. Jordan 176
46. Korea 179
47. Kuwait 184
48. Latvia 188
49. Lebanon 191
50. Lithuania 194
51. Malaysia 197
52. Malta 201
53. Mexico 205
54. Montenegro 209
55. Morroco 212
56. Netherlands 217
57. New Zealand 221
58. Nigeria 225
59. Norway 229
60. Oman 233
61. Panama 236
62. Peru 242
63. Philippines 245
64. Poland 248
65. Portugal 251
66. Puerto Rico 256
67. Qatar 259
68. Romania 263
69. Russia 267
70. Saudi Arabia 272
71. Scotland 275
72. Senegal 279
73. Serbia 282
74. Singapore 285
75. Slovenia 289
76. South Africa 292
77. Spain 297
78. Sri Lanka 301
79. Taiwan 305
80. Thailand 309
81. Tunisia 312
82. Turkey 315
83. UAE 320
84. Ukraine 325
85. USA 330
86. Venezuela 335
87. Vietnam 339

APPENDICES
International Convention Related to the Arrest of Sea-Going Ships, 1952 343
International Convention on Arrest of Ships, 1999 348
International Convention for the unification of certain rules of law relating to maritime liens and mortgages, 1926 354
International Convention on maritime liens and mortgages, 1993 358

Ship Arrests in Practice, 10th Edition © 2016 Copyright Shiparrestedcom S.L. Front Cover, Questionaire by Dr. Arizon, and each article to its author. All rights reserved. No part of this publication may be reproduced or transmitted in any forms or by any means, without the prior permission of the authors, in accordance with the International Copyright Law. Shiparrested.com is a registered trademark 2000-2016

Overview

1. Please give an overview of ship arrest practice in your country.

Applicable Laws

2. Which International Convention applies to arrest of ships in your country?
3. Is there any other way to arrest a ship in your jurisdiction?
4. Are these alternatives e.g. saisie conservatoire or freezing order?

Claims Subject to Ship Arrest

5. For which types of claims can you arrest a ship?
6. Can you arrest a ship irrespectively of her flag?
7. Can you arrest a ship irrespectively of the debtor?
8. What is the position as regards sister ships and ships in associated ownership?
9. What is the position as regards Bareboat and Time-Chartered vessels?

Arrest Procedure

10. Do your Courts require counter-security in order to arrest a ship?
11. Is there any difference in respect to arresting a ship for a maritime claim and a maritime lien?
12. Does your country recognise maritime liens? Under which International Convention, if any?
13. What lapse of time is required in order to arrest a ship since the moment the file arrives to your law firm?
14. Do you need to provide a POA or any other documents of the claim to the Court?
15. What original documents are required, what documents can be filed electronically, what documents require notarisation and/or apostille, and when are they needed?
16. Will your Courts accept jurisdiction over the substantive claim once a vessel has been arrested?

Release Procedure

17. What is the procedure to release a ship from arrest?
18. What type of security needs to be placed for the release?
19. Does security need to cover interest and costs?
20. Are P&I LOUs accepted as sufficient to lift the arrest?
21. How long does it take to release the ship?
22. Is there a procedure to contest the arrest?

Miscellaneous

23. Which period of time will be granted by the Courts in order for the claimants to take legal action on the merits?
24. Do the Courts of your country acknowledge wrongful arrest?
25. Do the Courts of your country acknowledge the piercing and lifting of the corporate veil?
26. Is it possible to have a ship sold pendente lite; if so how long does it take?