

التميمي و مشاركونه
ALTAMIMI & CO.

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Our Regional Footprint



New Maritime Commercial Regulations + Regulatory List for Marine Agents in KSA!

- 1 When was it adopted?
- 2 Main points?
- 3 Is it a game changer?
- 4 Amendments to the UAE Civil Procedures Law regarding enforcement of local and foreign awards

Limitation of Liability in the UAE under the Limitation of Liability for Maritime Claims convention

- 1 When was it endorsed by the UAE?
- 2 Is it active?
- 3 Is it applicable?
- 4 Are the legal tools available to implement the convention in the UAE?
- 5 Limitation of Liability in the UAE under the Limitation of Liability for Maritime Claims convention
- 6 Amendments to the UAE Civil Procedures Law regarding enforcement of local and foreign awards

Amendments to the UAE Civil Procedures Law regarding enforcement of local and foreign awards



**Cabinet
Resolution No.
(57) of 2018
Concerning the
Executive
Regulations
("ER") of
Federal Law
No. (11) of 1992
on the Civil
Procedure Law**



**UNITED ARAB EMIRATES
MINISTRY OF JUSTICE**

Enforcement of foreign judgements, orders and instruments and (ARBITRATION)

- Article (235) of the old Procedure Law

- 2 - An order for execution of foreign award shall be applied for before the court of first instance within the jurisdiction of which it is sought to enforce, under the usual procedures for bringing a claim, and an execution order may not be made until after the following matters have been verified:
 - **(5 conditions)**
 - (Jurisdiction, competency, representation, conclusive and does not contradict with other judgements and public order)

- Article (85) of the ER

- 2 - The order for execution shall be applied for by a Petition to be submitted by the party concerned, and containing the data identified in Article (16) hereof, to the execution judge, and the latter shall issue an order no later than three days of the submission date thereof. The order so issued may be appealed according to the rules and procedures prescribed for appealing the judgment. The enforcement may be ordered only after the following is verified: **(5 conditions) + certificate that the judgement is conclusive, unless expressed in the judgement itself.**

Precautionary Attachments

- **Article (252) of the old Procedure Law**

- Without prejudice to the provisions of any other law, a claimant may apply to the court hearing the action or to the judge for expedited matters, as the case may be, for the imposition of a precautionary attachment over the movable and immovable of his opponent in the following circumstances:
- 3 - If the claimant holds an official or ordinary instrument of an unconditional and payable debt.

- **Article (111) of the ER**

- 3 - If the claimant holds an official or ordinary instrument of an unconditional and payable debt, or if he is awarded an unenforceable judgment, as long as the amount of debt is of identifiable value.

Precautionary Attachment Procedures

- Article (255) of the old Procedure Law

- (2 - The applicant must, within maximum eight days from the date of the imposition of the attachment, file a claim before the competent court for substantive claim of his right and the validity of the attachment,, failing which the attachment shall be void.)

- Article (114) of the ER

- 2 - The applicant shall, no later than eight days of the issuance date of attachment decision, file a substantive with the competent court for establishing the right, in cases where the attachment is imposed by an order of the judge of urgent matters; otherwise, the attachment shall be null and void.
- **NO MORE ARREST VALIDATION CLAIMS.**