



SHIPPING

ARREST AND ENFORCEMENT DEVELOPMENTS IN THE UAE: A REVIEW OF CABINET RESOLUTION NO. 71 OF 2021

SHIPARRESTED.COM MEMBERS CONFERENCE

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HFW GLOBAL MAP





CABINET DECISION 71 OF 2021 CONCERNING MARINE WRECKS AND VIOLATING SHIPS

- Entered into force on 15 September 2021
 - Anticipated for years to address the growing problem of ship abandonment in the UAE
 - First national law defining “Abandonment” and “Wreck”
 - Essentially, first explicit law allowing the disposal and auction of ships under arrest while the underlying substantive claims are still being heard in certain circumstances
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SCOPE OF APPLICATION

- Arrested vessel which is unseaworthy or becomes unseaworthy due to:
 - Abandonment by its seafarers or left undermanned according to MSM requirements
 - Failure to pay Seafarers' salaries for a period of two or more consecutive months
 - Failure to provide supplies or fuel
 - Existence of hazardous cargoes onboard
 - Wreck; and
 - "Violating Ship".
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WRECK

- Any sunken or stranded Ship, or any part thereof, including any object that is or was on board;
 - Any stranded, sunken or adrift object that is lost from the Ship at sea; and/or
 - Any Ship that is about to or reasonably expected to sink or to strand.
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VIOLATING SHIP

- If the Owners and/or managers failed to:
 - maintain seaworthiness
 - provide fuel or supplies
 - pay the salaries of seafarers for two or more months
 - pay port fees, towing or docking expenses
 - maintain insurance
 - If the ship or her cargo poses a danger, obstacle or a threat to maritime navigation, the marine environment or the State
 - If the ship registration expired
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The ship to be considered “Derelict” if:

1. abandoned by her Owner or Operator;
 2. Her managers and operator are unknown;
 3. neglected by her Owner and Operators; or
 4. left without minimum or adequate crew on board.
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WRECKS AND VIOLATING SHIPS COMMITTEE

- Comprising members of Ministry of Defence, Ministry of Climate Change and Environment, Port Authority, local Environmental Department
 - Tasked with assessing the condition of Wrecks and Violating Ships
 - Makes recommendations to either Ministry or Court
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WRITTEN WARNING & SALE OF VESSEL

- Ministry of Energy and Infrastructure shall issue written warning on recommendation of the Committee (sent by email in practise)
 - Delivered to Owners, Agents, Ship, Flag State and crew, if possible
 - Action must be taken to rectify the breach within specified time frame (up to 60 days)
 - Ship can be sold by public auction or by other means if action not taken
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- If the Ship is under arrest, the arresting party may be required to cover supplies to the crew, fuel and to take any other measures to keep the vessel seaworthy until she is sold. Such expenses shall be considered as a debt owed by the Ship.
 - Sale proceeds shall be used to cover auction and “removal” expenses
 - Administrative fees and charges also recoverable from sale proceeds
 - Remaining proceeds shall be deposited with the Court
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THANK YOU

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