



The New Maritime Law | United Arab Emirates: A Summary of Key Amendments to the New UAE Maritime Law

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Introduction:

The Federal Decree-Law No. 43 of 2023 on maritime law was issued, repealing the Federal Law No. 26 of 1981 concerning maritime commercial law and its amendments. This law aims to regulate various aspects of maritime navigation and transportation in the country, in line with best international practices.

Key Features of the New Law:

1. Applicability of the Law:

- The law applies to all establishments, ships, and maritime means engaged in maritime transportation and navigation activities.
- Excluded from the law's application are military-purpose ships and vessels, and government-owned ships and vessels designated for non-commercial purposes.
- The following applies to the relationship between individuals concerning matters regulated by this decree-law:
 - Contracts and agreements made between them.
 - The law's provisions are in the absence of a specific agreement.
 - Relevant and effective laws in the country.
 - Maritime customs do not conflict with the law's provisions.
 - Principles of justice.

2. New Definitions:

- Numerous new terms have been defined in the law, including:
 - Ship
 - Maritime establishment.
 - Maritime agent.
 - Maritime carrier.
 - Bill of lading.
 - Multimodal maritime transport.
 - Special Drawing Rights (SDR) as an international unit to calculate maritime carrier liabilities.
 - Actual carrier and contracting carrier.
 - Goods forwarding.
 - Operator, captain, and sailor.



3. Regulation of Ship Affairs:

- A section is dedicated to ship affairs, their construction, and related regulations, including:
 - The period for filing a claim for defects discovered in ship construction.
 - Nationality of the ship, its registration, and its special navigation licensing.
 - Legal actions related to the ship.
 - The decree allows privilege holders to register their privileges in the ship register, provided that the contract is certified.
 - Detailed regulation of ship mortgages under the seventh chapter of the law, granting the mortgagee the right to own the ship or the mortgaged share if the mortgagor fails to fulfill his obligations.
 - The period related to filing a claim for defects discovered in ship construction is defined as 1 year from the date of defect discovery or two years from the ship's receipt date, whichever is later. This period also applies to maintenance and repair works.

4. Expansion of Maritime Debts:

- The scope of maritime debts eligible for provisional seizure of the ship has been expanded to include:
 - Expenses for raising a sunk, wrecked, stranded, or abandoned ship.
 - Expenses for its transfer, recovery, stopping its harmful effect, or destruction.
 - Common maritime losses.
 - Towing and piloting.
 - Insurance premiums on the ship.
 - Any commissions or brokerage or agency fees payable by the ship owner or lessee.

5. Guarantees for Lifting Seizure on the Ship:

- New types of guarantees for lifting the seizure on the ship are accepted, such as:
 - Letters of guarantee issued by Protection and Indemnity Clubs.
 - Letters of guarantee issued by financial institutions accepted by the court.

6. Amendments to Deadlines and Procedures:

- The period for filing a lawsuit to validate the seizure has been amended to 5 days from the date of the seizure instead of 8 days.
- A 48-hour notice period has been added for announcing the competent court for entitlement lawsuits related to the seized ship and proposed for auction.



7. Detailed Chapter for Maritime Security, Environment, and Safety:

- A detailed chapter has been added for maritime security, environmental, and safety purposes, including:
 - Maritime safety rules.
 - Prevention of maritime pollution.
 - Protection of the marine environment.

8. Substantial Amendments to Insurance Contracts:

- Substantial amendments have been made to insurance contracts related to transportation contracts, including:
 - Insurer's liability.
 - Insurance terms.
 - Insurance exclusions.

9. Regulation of Liability Limits for Personal Errors:

- The liability limits for personal errors by the captain, sailors, or other affiliates have been regulated.

10. Amendments to Maritime Transportation Contracts:

- Substantial amendments have been made to maritime transportation contracts, including:
 - Carrier's obligations.
 - Shipper's obligations.
 - Carrier's liability for delay, loss, or damage.
 - Addition and definition of electronic bill of lading and its validity conditions.

11. New Unit for Carrier Liability Limits:

- A new unit for carrier liability limits, Special Drawing Rights (SDR), has been defined.

12. New Chapter for Multimodal Maritime Transport:

- A new chapter to address the aspects and regulations of multimodal maritime transport, including:
 - Definition of multimodal maritime transport.
 - Carrier's liability in multimodal maritime transport.
 - Transport documents in multimodal maritime transport.



Expected Impacts of the New Law: The new decree is expected to positively impact various aspects of maritime navigation and transportation in the country, including:

- **Enhancing Maritime Security and Safety:** Through specific provisions related to the safety of ships and prevention of maritime pollution.
- **Facilitating Maritime Trade:** By streamlining procedures and unifying laws and regulations.
- **Attracting Foreign Investment:** By providing a stable and attractive legal environment for investors, in line with international laws and agreements, especially by giving strength to the parties' agreement unless it contradicts the decree's provisions.
- **Boosting the Maritime Sector's Competitiveness:** Through improving the efficiency and effectiveness of maritime services.

Conclusion: The new maritime law is a significant positive step towards developing the country's maritime sector, expected to have a substantial impact on various aspects of maritime navigation, transportation, and procedures.

➤ **Notes:**

- The term "law" has been replaced with "decree-law."

➤ **References:**

- Federal Decree-Law No. 43 of 2023 concerning maritime law

➤ **Additional Points:**

- Some articles from the old law have been repealed, while new articles have been added.
- Some articles from the old law have been amended to align with best international practices.
- **An executive regulation for the new decree, detailing its application provisions, is expected to be issued (not yet published).**

Note: This is a general analysis of the new maritime decree-law, and its texts should be reviewed for a better understanding of its provisions.

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