

# NEWSFRONT

## GREEK SHIPPING INTELLIGENCE

17 November 2017

Vol. 18 / No. 43



### LEGAL OPINION

#### Maritime Liens

A vessel was sold at auction; when the new owner wanted to have her sail from her moorings, the port authority refused to grant permission, because the vessel owed port dues dating back to the period before the current owner became the successful bidder, and until the scheduled sailing date.

Port dues are vested with a maritime lien; accordingly, the port authority invoked the permanent nature of maritime lien and sought payment for both periods pre – and post- auction.

The owner challenged pre-auction port dues, alleging previous ownership liens do not apply where the vessel is sold at auction. This was accepted by the court and owner was not found liable to pay pre-auction port dues. He had to pay port dues that corresponded to the period of his ownership.

Piraeus Court of Appeal Judgment no 303/2016, President: A. Theofanis, Rapporteur Judge: I. Apostolopoulos, Attorneys at law: D. Tzanos, P. Dialinakis, Maritime Law Review vol. 44, p. 89.

NOTE: Although maritime liens "attach like a leech to the human skin", this is of no permanent application in the case where the title to the vessel is transferred.

If it is sold at auction, maritime liens are abolished; if it is transferred in the context of a commercial s&p deal they still apply but only until three months from transfer recording with the ship registry, unless a law suit is filed and recorded in the registry meanwhile.

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