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LEGAL OPINION

Abandonment of vessel – Recordation in the Registry

A Greek flag vessel was abandoned to her underwriter as CTL. The latter did not record the transfer and the former owners proceeded to record the transfer themselves, however 20 years following abandonment.

The Registrar refused to register the transfer because the bundle of documents required to that effect was incomplete. Namely, the submitted documents and certificates were not recent but dated back to the time of abandonment.

Further, proof that the local insurance agents acted for and on behalf of the foreign insurance company was missing. Likewise, a ministerial decree approving deletion of the vessel was also not submitted.

The former owners contended that the documents required applied for other cases of transfer and not for a transfer due to abandonment.

The Court rejected former owners allegations: whilst the Registrar does not check the essence of the documents submitted, he has to confirm they satisfy the typical requirements imposed by law, which was not the case. Further, there is no difference to the documentation sought depending on the reason of transfer.

Piraeus One-membered Court of Appeal Judgment no 192/2014, Judge: Ar. Tsamadia, Attorneys at law: G. Darra, A. Skounti, Maritime Law Review vol. 42, p. 111.

NOTE: Fulfilling of the typical requirements is a must for the completion of any registration. The difficulty of this case was that apparently, the former owners thought they had parted with ownership of the vessel, however this had not occurred. The state dues of the vessel were gradually increasing, and the former owners found themselves confronted with a state claim and seizure threat, whereafter they initiated transfer procedure with poor effects.

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