



A full service law firm for Bahrain and the Sultanate of Oman, founded in 1995 by
Mr Ali Al Jabal



Each month we will be putting a legal problem to consultant Ali Al Jabal to answer.

This month - MARITIME QUESTION

AJ Question: I own an engineering company and have recently completed repairs on a Bahraini container ship. However, I still haven't been paid and the owner of the ship has acknowledged his indebtedness. Could I make an application for the detention of the vessel, so as to make sure that the vessel does not leave Bahrain and to further ensure that I can claim what is rightfully owed?

AJ Answer: These types of issues come under the purview of the Legislative Decree No. (23) Of 1982 of the Bahrain Maritime Law. Due to the debtor's failure to pay for the repairs of his ship, you are entitled to seek an order from the Execution Court judge to detain the ship in order to claim the maritime debt relating to repairs on the ship.

The copy of the detention order shall be delivered to the captain of the ship as well as to the Registration Office at the port where the detention has occurred.

Furthermore, you should initiate proceedings for establishing the claim and validity of the detention, before the High Court within eight days from the date of the effective detention. Otherwise the detention shall be unlawful.

In addition, if a judgment is passed in your favor, then the court judgment shall fix a sitting for appearing before the Execution Court Judge for a hearing of the Court order for sale, its terms and conditions, stipe price and date for holding the sale to ensure that you receive what is rightfully owed. 👁

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