



WORLD WIDE CLAIMS SERVICES

UAE UPDATE

Fujairah Government is planning to set up a small port next to the main seaport. This new facility will be dedicated for small vessels supplying fuel to ocean going ships. The Port will initially have capacity to handle 105 vessels which will be increased to 200 vessels eventually. Leading companies have reportedly shown interest in the project and submitted their bids. The Port is expected to be launched by June 2016. It is expected to ease the pressure on the existing seaport where the traffic is likely to increase when Ittihad Train service begins operations linking the cargo traffic from Fujairah to Dubai and Abu Dhabi.

Executing judgments of UAE courts



There are instances of cargo claimants in UAE not being able to recover their claims from foreign Ship owners even after obtaining judgments from UAE Courts. They are usually hesitant to take the trouble and incur additional costs of executing the judgment in a foreign country. Instead, they prefer to wait for the ship or sister ship to come to UAE ports and to arrest them to recover the judgment amount. In most cases, they are left high and dry, unable to execute the judgment. This happens when the Ship owner changes the trading pattern and their ships do not call again at UAE ports or when it is a single - Ship owner who ceases operations soon after the incident voyage. **WWCS** has managed to assist some clients to recover the judgment amount by taking up the issue with the Ship owners abroad and without incurring legal costs. One of the cases involved was a judgment issued five years earlier. The claimant who had given up hope was extremely pleased with the unexpected recovery.



*“ Life is similar to a boxing game.
Defeat is not declared when you fall down.
It is declared when you refuse to get up ”*



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Filing suit by subrogated Insurers

In UAE, a subrogated Insurer can file suit in their own name against a liable third party to recover a claim. However, the situation is different in some other jurisdictions where a subrogated Insurer can file suit only in the name of the Insured unless there is specific assignment of rights to sue from the Insured. In the absence of such assignment, the proceedings have to be conducted in the name of the Insured even though they have received payment under the Policy. Any recovery made is held in trust for the Insurer upto the amount which the Insurer has paid under the Policy terms.

Underwriters in UAE who are considering legal action abroad may bear this in mind.

Destruction of rejected cargoes

A consignment of frozen chicken from Brazil arrived Jebel Ali after an extended/delayed voyage. During mandatory inspection by the Health authority in the port, the entire cargo was found to be very badly damaged and beyond use. The authorities ordered the cargo to be re exported from UAE. The shipping Agent contacted Dubai Municipality for permission to destroy the cargo locally. However, their request was denied. The container with the cargo remained in the Port for over 6 months accruing demurrage while the Agent ran from pillar to post trying to get permission to destroy the cargo. WWCS was then contacted by the Carrier's Insurers for assistance. We directed the Agent to the appropriate authority within the Free Zone who promptly gave permission to destroy the cargo.

A shipping Agent must be aware of the appropriate authorities to be contacted under different circumstances.

*“Always listen to your heart.
It may be on your left, but it is always right.”*



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Accidental death of stevedore on board



A ship was loading a cargo of bagged cement at a port in UAE. The ship's crane no.3 was being operated by a stevedore employee. During the operation, a metal piece (protective guard plate of the crane wire pulley) broke off and fell on the head of a stevedore who was working in the hold. He died instantly. A case was registered by the police.

WWCS was instructed by the Ship Owner's P & I Club to investigate the incident. The investigations revealed that the crane operator was not very efficient and was earlier reported for erratically operating crane no. 1. As a result of his unprofessional handling, the servo motor of crane no. 1 got over heated and the windings were burnt. Consequently, crane no.1 was rendered inoperable for which a protest was lodged by the ship with the stevedoring company. Later on, the same stevedore was entrusted with operation of crane no 3 and it was during his handling of this crane that the fatal accident occurred.

A scrutiny of the vessel's records revealed that the crane was tested and certified about 20 days ago. The classification certificates were all upto date and in order.

The investigations concluded that the breaking of the guard plate could have been due to unnatural stress exerted on that part due to improper operation of the crane by the operator. The possibility was that one of the lifting hook could have entangled with the cement bag while the operator swung the crane boom. This could have exerted severe stress on the crane wire at an abnormal angle resulting in additional pressure on the guard plate which caused the securing bolts to break off.

It was also ascertained from the investigations that the deceased stevedore was not wearing a helmet which was required as per regulations.



“Learn to appreciate what you have before time makes you appreciate what you had.”



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The stevedoring company alleged that the ship was at fault and prevented the vessel from sailing. They demanded guarantee for death compensation. The Ship owners relying on our surveyor's report argued that there was no fault on the part of the ship and that it was the negligence of the crane operator that resulted in the tragic accident. Though the vessel was detained initially, it was finally allowed to sail after the authorities accepted the Ship owner's submission.

The police investigating the incident had taken the broken guard plate for testing. Reportedly, the tests revealed rusting on the guard plate. Based on this, the Prosecutor commenced legal proceedings. Lawyers were instructed to protect the Ship owner's interests and the judgement was finally given in favour of the ship. The court accepted that there was no conclusive evidence of the ship's fault. The fact that the deceased was not wearing a helmet which was against regulations may also have had a bearing on the judgement.

Unwind -

Once upon a time !

When Windows was just a square hole in a room and Application was something written on paper

When Keyboard was a Piano and Mouse was just an animal.

When File was an important office material and Hard Drive just an uncomfortable road trip.

When Cut was done with a knife and Paste with glue.

When Web was a spider's home and Virus was flu.

When Apple and Blackberry were just fruits

That is when we had lot of time for family and friends !



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