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LEGAL OPINION

Agent for Acceptance of Legal Proceedings

In a dispute involving vessel's exploitation, service of legal proceedings was effected to the agent declared in the Registry.

However, the agent, since his appointment, had ceased his employment with the shipowner, had retired and moved to another city. Service was effected according to the provisions applicable in case of absence of the party to whom service is aimed.

Shipowners challenged such service, invoking, inter alia, that a general agent was also appointed. The Court found that (i) for cases involving vessel's exploitation, only the agent recorded in the Registry was eligible to accept service, (ii) the fact that he had moved was of no effect, as long as the service had taken place according to the provisions applicable in such cases. Accordingly, service was lawful.

Supreme Court Judgment no 254/2019, Presiding: M. Nikolakea, Rapporteur Judge: A. Karaiskou - Palogou, Attorneys at law: D. Hasanakos, V. Saxonis, Maritime Law Review vol. 47, p. 167.

NOTE: Appointing an employee as agent for the acceptance of legal proceedings is a practice usual in the Greek maritime industry. What happened here, was that when the relationship with the agent was terminated, the shipowner neglected to change the appointed agent to a new one, so the appointment was still valid.

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