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LEGAL OPINION

Bareboat Charterparty

Where a vessel is chartered by demise, the owner exercises no right on her apart from bare ownership. Owner's only link with the vessel becomes the right to receive the agreed hire.

The Charterer is the one who assumes full control on the vessel and is regarded as (disponent) owner of her. Under such charterer's capacity, possible claims against the charterer can be enforced against the vessel.

For that to happen, certain conditions should be met: One is that the claim is vested with statutory or maritime lien. Another is that the liable party is the bareboat charterer, not a charterer under other type of charterparty. Last, the charterparty by demise whereunder the Charterer acts as disponent owner should still be in force.

Supreme Court Judgment no 1529/2017, Presiding: D. Papantonopoulou, Rapporteur Judge: G. Apostolakis, Attorneys at law: G. Orfanidis, A. Koutsofios, Gr. Timagenis, Maritime Law Review vol. 45, p.321.

NOTE: Such action against the vessel is an action in rem aiming to preserve the vessel as security for the claim. In case of substitution of the arrest by a security bond, the court that assumed initially the case is still competent.

*The legal column was written by Manolis Eglezos, Attorney at law,
Manolis Eglezos & Associates Law Firm, Attorneys at Law and Consultants*

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132 Syngrou Avenue, 117 45 Athens, Greece

Tel: +30 210 9214.205 • Fax: +30 210 9214.675 • E-mail: amaroid@otenet.gr • Website: www.newsfront.gr

Editor: David Glass, Deputy Editor: Panagiotis Nikolakopoulos, Subscriptions Manager: Sophia Bacoula

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