



Attachment of Vessels
by Panama Maritime
Tribunals



CANAL DE PANAMÁ

January 1, 2019

NT NOTICE TO SHIPPING No. N-8-2019

To: Shipping Agents, Owners and Operators

Subject: Attachment of Vessels by Panama Maritime Tribunals

This Notice is effective on the date of issue and cancels OP Notice to Shipping No. N-8-2018. A revised Notice will be issued in January of each year or when otherwise required. The revision includes the following changes:

- (1) Paragraphs 4, 6 and 7 were edited.

This Notice contains subject matters regulated in Chapter III, Section Three, Articles 47 to 49, of the Regulation on Navigation in Panama Canal Waters (*ACP Navigation Regulations*).

Vessels in Panamanian waters are subject to the jurisdiction of the Maritime Tribunals of the Republic of Panama. Therefore, the Panama Canal Authority (ACP) will consider a vessel under judicial attachment to be in a "not ready" status until an order of release or authorization to move is issued by the Maritime Tribunals and the ship's local agent notifies Marine Traffic Control (MTC) of the change of condition.

As a matter of administrative procedure, the Maritime Tribunals will attempt to notify local agents of vessels scheduled for Canal transits, which are to be attached in connection with pending legal process. Agents receiving such notice are responsible for immediately advising MTC that their vessels have been attached. Agents will also be responsible for providing the Authority with instructions regarding delays, cancellation or rescheduling of transits. Applicable charges will be assessed by ACP in accordance with its current tariff schedule. Additionally, piloting, tugboats or any other extraordinary services provided by the ACP due to judicial attachments will be charged to the vessels.

In the case of an attached vessel which is booked for transit under the *ACP Navigation Regulations, Articles 12 to 25*, it is the vessel's responsibility, through its duly authorized agent, to cancel or retain the booking slot, following the rules outlined in that section. Should the vessel not be ready to proceed at the time fixed for transit, the booking fee will be forfeited.

No orders of attachment will be served on vessels under way with a pilot on board and proceeding to transit. Judicial attachments in such cases will be effected after the transit has been completed.

As a parallel matter, the master of a vessel scheduled for transit is, by virtue of his position, required to advise ACP pilots and other appropriate Canal officials if the vessel under his command has been attached

The Panama Canal Authority Board of Directors approved the addition of Article 4.A to the Regulation on Navigation in Panama Canal Waters (*ACP Navigation Regulations*), which reads as follows:

“Article 4.A: The Authority may deny the departure of any vessel which has caused damages to the Canal, its personnel, equipment, property or facilities, or which violates any Canal navigation safety rule, until such time as she has posted a suitable payment warranty, to the Canal Administration's satisfaction.

“To ensure enforcement of this rule, the Authority may require the assistance of the Public Force. The cost of this assistance shall be charged to the vessel, and shall be included in the warranty.”

ORIGINAL SIGNED

Esteban G. Sáenz
Vice President for Transit Business