



Court procedures in your jurisdictions and flag administrations CMI

1. Are the Courts in your jurisdiction open and functioning as per normal?

The Courts in Chile are opened, but functioning abnormally.

We remark that on April 2nd, Law number 21.226 was passed, which establishes an exceptional regime for judicial procedures, on hearings and judicial orders, and the time bar extension for the actions mentioned in this Law.

By that Law, among other things, the Supreme Court during the constitutional exceptional catastrophe state (declared by Decree dated on March 18th, 2020), will order that all the hearings in Courts be suspended, with the exception for those that may require the urgent intervention from Judge.

That means that each Judge may decide about the urgent hearings that will take place, granting flexibility in respect of the enforceability.

Notwithstanding the above, all the procedures can be pursued but with that limit or restriction, so that the Judge will decide in accordance with his own criteria how far can the procedure go and on which circumstances.

It is also important to mention that the notifications in places subject to quarantine is difficult to carry out them, either because the area is closed or because there is no person there (maybe all the people is doing their job by telework from home) or because the zone is under strict sanitary barrier, being impossible to go ahead with judicial procedures.

Another important issue regulated by the aforementioned Law, is the matter of prescription from March 18, 2020. According to that Law, the time bar will automatically interrupted with the mere filing of the judicial action from that date and until the crisis ends, and the claim must be notified after the conclusion of the crisis between 30 to 50 days it occurs.

2. If not, are there any exceptions to the arrest of ships and / or are other injunctive or enforcement procedures available?

In general, if those actions require the urgent intervention from Judge, they can be pursued, but if that judicial injunction may cause that a party will be defenceless, the Judge is not allowed to order it, under the provision of Article 3 from that Law. We believe that it will depends from each Judge in particular, case by case.



3. Can Judicial Sale of Ships still take place?

Yes, but it depends on the Judge if the particular hearing to sale the ship take place or not.

4. Do you know how long the Courts in your jurisdiction will be closed for?

In principle the Courts are not closed. But, under the aforementioned Law, the Courts are functioning abnormally until the emergency cease. We must bear in mind that Order issued by the Government declaring the constitutional exceptional catastrophe state, on the 18th of March, has a duration of 90 days, that may be extended for another period of 90 days. In the even the Order exceeds 180 days, the Congress could revoke it if the reasons under which it was issued have disappeared absolutely.

5. Is the flag registry in your jurisdiction (if applicable) operating as per normal in terms of the registration of ships and registration of mortgages and deletion of same.

Yes.

6. Has your flag administration issued any special exemptions for the period of the Pandemic.

As far as we know, the answer is negative.



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