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Correspondents for:

Britannia, British Marine, Carina, Charterers P&I Club, China P&I Club, GARD, ITIC, Korea P&I Club, Navigators, Nordisk Defence Club (Through Sabatino Pizzolante), Lodestar Marine, North of England P&I Club, Raets Club, Shipowners P&I Club, Skuld, The Standard P&I Club, Steamship Mutual, The American Club, The London P&I Club, West of England and Through Transport Club (TTC)

Reorganization of the maritime courts decided by the Supreme Court of Justice

Courts of the aquatic jurisdiction entered into functioning with the formal opening of the Superior Maritime Court and the First Instance Maritime Court, both located in Caracas and vested with national jurisdiction, pursuant to the provisions of the Organic Law of Aquatic Spaces enacted in 2001, according to which such jurisdiction would originally comprise the establishment of three Superior Maritime Courts located in Caracas (Central Region), Barcelona (Eastern Region), and Maracaibo (Western Region); and five Maritime Courts of First Instance to be located in the following ports: La Guaira, Puerto Cabello, Puerto Ordaz, Maracaibo and Puerto La Cruz. Nevertheless, in 2004 due to alleged lack of funding and volume of cases, the Supreme Court of Justice decided to open initially the two courts referred to and based in Caracas, that have been working since then hearing all maritime actions and conflicts related to maritime, port and multimodal field. In 2009 these maritime courts were also attributed jurisdiction on aeronautical cases.

The structure of the maritime jurisdiction and so the aeronautical one, has now changed following Resolution No. 2017-0011 of 3rd May 2017, issued by the Plenary Chamber of the Supreme Court of Justice deciding (Art. 1) to attribute jurisdiction in matters of maritime and aeronautical law to the Courts of First Instance that form the Civil Jurisdiction in the following States: Anzoátegui: Second Court of First Instance; Bolivar: First Court of First Instance with seat in Puerto Ordaz; Carabobo: Third Court of First Instance; Falcón: Fourth Instance Court sitting at Punto Fijo; Nueva Esparta: First Court of First Instance; Sucre: First Court of First Instance; Trujillo: First Court of First Instance; and, Zulia: First Court of First

Instance. According to article 2, the knowledge of maritime and aeronautical matters in second instance, is attributed to the First Superior Court that forms the Civil Jurisdiction in the following States: Anzoátegui, Bolívar, Carabobo, Falcón, Nueva Esparta, Sucre, Trujillo and Zulia, all of whom shall be competent in the same matters as their Courts of First Instance.

With respect to the until today existing First Instance Maritime Court with National Competence located Caracas, will continue dealing with the existing cases until its conclusion (Art. 3), but is now attributed jurisdiction in Civil, Mercantile, Transit and Banking matters, and its new denomination will be "First Instance Court with Civil, Mercantile, Transit, Banking and Maritime with Headquarters in the City of Caracas", as per articles 5 and 6. Likewise, the Superior Maritime Court with National Competence also located in Caracas, will deal with the ongoing files, also it is attributed the same powers and its new denomination will be "Superior Court with Civil, Mercantile, Traffic, Banking and Maritime Competence with Headquarters in the City of Caracas" (Articles 7 and 8).

Consequently, the new cases will be distributed in the Courts of First Instance or Superiors with Civil, Mercantile, Transit, Banking and Maritime Competence of each State. The Resolution will come into force after its approval by the Plenary Chamber of the Supreme Court of Justice. Although among the justifications outlined by the Resolution for this decision are the need to guarantee to all citizens an expeditious access to the justice without delay and at reduced costs, it is obvious that the specialty of the matter would require judges with knowledge and experience as it has happened until now. In line with the former, it is not difficult to see these developments as a drawback whose results will necessarily be assessed in future.

Should you need any assistance or further information regarding the topic stated above, please feel free to contact:

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