

Time Bars in Egypt

Time Bars, are questions that come across me on a daily basis when it comes to Egyptian jurisdiction. In this article, I have furnished you, with all types of time bars, all sectors of the marine industry can inquire, along with their supporting legal article, to be used as a manifest for everyone within the marine industry.

Contracts 15 years

Article 374 Civil Law

The term of prescription for obligations is fifteen years with the exception of those cases for which a special provision is contained in the law.

Tort: 3 years.

Article 172 Civil Law

Any claim in tort will be time barred three years from the date that the person who suffered the loss knew of the injury / the damage and the identity of the person who was responsible. Any claim in tort is prescribed in any case after fifteen years from the date on which the unlawful act was committed. However, if the act constitutes a crime and the criminal case is still pending before the court even after the lapse of three years, the time will be extended until the date on which the criminal case is determined or is lapsed. In the case of other specific laws, the time bar period can less than three years depending upon the act or omission involved. In Law No.8 of 1990 (the Maritime Code for example, claims for compensation arising out of a marine collision are time-barred after two years from the date of the incident.

Contracts Of Carriage: Two Years

Article 244 Commercial Maritime Law

A maritime claim pursuant to a contract of carriage will be time barred after two years from the date on which the goods were delivered or ought to have been delivered. Delivery of the goods is considered to be the time when the goods pass through the port gates. Time stops running on the date the action is officially filed before Egyptian Court, which date is reflected on the court summons. However, any recourse action against a third party by a person against whom a claim has been made will be time barred after the expiry of 90 days from the date the claim was made or from the date on which the claim was paid (Article 244).

<u>Charter party claims</u> <u>Article 167 Commercial Maritime Law</u>	Two Years
<u>Articles 291 and 281 Commercial Maritime Law</u>	Two Years
<u>Marine collision claims</u> <u>Article 301 Commercial Maritime Law</u>	Two Years
<u>Marine insurance claims</u> <u>Article 372 Commercial Maritime Law</u>	Two Years



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Our team provides legal advice to clients in the international shipping industry. With a team that has the expertise of dealing with H&M, P&I, cargo and freight and owner charter issues. We have managed to build a list of clients where our team has proven it can operate 24/7, with a quick response, to today's clients' needs. Lastly providing up to date advice and consultancy in all aspects of the Egyptian jurisdiction.

Agency: 90 days & 2 years.

Articles 189 & 190 Law of Commercial

Invalid termination (Defined by Article 189). All other actions resulting from the contract agency deeds shall abate with the lapse of two years from termination of the contractual relation.

Insurance 3 years

Article 752 Civil Law

Prosecutions resulting from the insurance contract shall abate by prescription with the lapse of three years from the time the accident occurs generation these prosecutions. However this term shall not apply in the following cases: -

- 1) In case of concealing information related to insured risk, or submitting incorrect or inexact particulars about that risk, except from the day the insurer’s party knew of it.
- 2) In case the insured accident occurs, except from the day those concerned knew of its occurrence.

Latent damage claims (for negligence claims excluding personal injury) 3 years

Article 172 Civil Law

The relevant provision is contained in Article 172 of Egyptian civil code and applies to claims in general three-year limitation runs from the date that the person who suffered the loss knew of the injury / the damage and the identity of the person who was responsible.

This provision is, however, subject to a long-stop: there is an exception for negligence actions involving personal injuries the time will be extended until the date on which

the criminal case is lapsed or determined by final judgment.

No claim may be brought more than 15 years after the occurrence of the act/omission alleged to constitute the negligence }.

<u>Commercial contracts. 7 years.</u> <u>Article 68 Law of Commercial</u>	Obligation date.
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Fraud and criminal acts

Article 15 Penal Procedures Law

The penal litigation shall terminate with passing ten calendar years in the felonies' articles and also with passing three years in misdemeanors' articles and a year in violations' articles starting from day of committing the crime.

As to Fraud the running of applicable time (three years) shall start from the date of committing the fraud act (The claimant bears a burden of proof to show that it could not have discovered the true position without exceptional measures which it could not reasonable have been expected to take) . In case of using a fraudulent instrument while knowing of its fraud, the running of applicable time (three years) shall be from the date on which the user stops using the fraudulent instrument.

Employment 1 year

Article 698 Civil Law

Labor claims have a short limitation period of only a year beginning from the time the contract terminates.

