

Administrative Resolution No. (2) of 2023
Concerning Investigation into
Maritime Accidents and Incidents in the Emirate of Dubai¹

The Executive Director of the Dubai Maritime Authority,

After perusal of:

Law No. (11) of 2010 Concerning the Licensing of Vessels in the Emirate of Dubai;

Law No. (3) of 2023 Concerning the Dubai Maritime Authority;

Executive Council Resolution No. (11) of 2013 Issuing the Implementing Bylaw of Law No. (11) of 2010 Concerning the Licensing of Vessels in the Emirate of Dubai and its amendments;
and

The international treaties and conventions, and the federal legislation concerning Investigation into Maritime Accidents and Maritime Incidents,

Does hereby issue this Resolution.

Definitions
Article (1)

The following words and expressions, wherever mentioned in this Resolution, will have the meaning indicated opposite each of them unless the context implies otherwise:

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
MOEI:	The Ministry of Energy and Infrastructure.
DMA:	The Dubai Maritime Authority.
Executive Director:	The executive director of the DMA.

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¹*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

Concerned Entity:	This includes the Dubai Police and any local government entity legally in charge of investigating into or dealing with Maritime Accidents and Maritime Incidents that take place within the Waters of the Emirate, including any judicial entity.
Waters of the Emirate:	The waters of the Emirate lying between the Dubai-Sharjah border and the Dubai-Abu Dhabi border, and extending to the exclusive economic zone, including the internal waters of the Emirate, such as Ports, harbours, marinas, canals, waterways, and creeks.
Vessel:	A vessel of any type or structure whatsoever, including Wooden Ships and remotely piloted vessels, operated on the Waters of the Emirate to transport Passengers, Goods, or other items for personal purposes, such as cruises or recreational fishing; or for commercial, sports, or tourism purposes.
Port:	A natural or man-made Vessel anchorage and berthing facility where necessary services are provided to Vessels to arrange or end their trips, including the wharves, buildings, harbours, and structures located in, on, or near water, as well as the land required for using that facility. This includes all commercial ports and other ports used for loading and unloading Goods and transporting Passengers in the Emirate, such as dry ports, Port Facilities, and container handling terminals, as well as the services and operations related thereto. Ports include Port Rashid, Al Hamriya Port, and Jebel Ali Port.
Harbour:	A permanent or temporary Vessel anchorage and berthing facility within the Waters of the Emirate, including any marina, water sports club, fishing harbour, or private harbour.
Maritime Safety:	A set of rules, measures, procedures, and methods that ensures the safety of lives within the Waters of the Emirate by regulating navigation routes and their safe operation; and ensuring that Vessels are provided with personal, professional, and first aid equipment; rescue and survival equipment; and fire detection and fire-fighting equipment.
Maritime Accident:	Any act or event that is related to the operation of a Vessel and that results in: 1. loss of life or damage to property; 2. damage to other Vessels; 3. damage to the Vessel, its hull, cargo, or equipment; or harm to its crew;

4. damage to marine infrastructure or any maritime structure; or
5. causing harm to the environment or endangering maritime safety.

Maritime Incident:	Any act or event that is related to the operation of a Vessel and that could have resulted in a Maritime Accident.
Investigation:	A technical process aimed at identifying the causes and consequences of a Maritime Accident or Maritime Incident that takes place within the Waters of the Emirate, and determining the procedures and means of addressing its causes and ensuring its non-recurrence.

Scope of Application

Article (2)

Without prejudice to the federal legislation in force in the UAE, and the international treaties and conventions to which the UAE is a party or an acceding party, the provisions of this Resolution apply to:

1. the Maritime Accidents and Maritime Incidents that take place within the Waters of the Emirate as a result of operating the Vessels licensed by the DMA; and
2. the Maritime Accidents and Maritime Incidents that take place within the Waters of the Emirate as a result of operating Vessels that are not licensed by the DMA, and to which this Resolution applies based on the request of the MOEI or the Concerned Entity.

Functions of the DMA

Article (3)

For the purpose of enhancing Maritime Safety within the Waters of the Emirate, the DMA may verify the causes of Maritime Accidents and Maritime Incidents, and take the necessary action to prevent their recurrence. For this purpose, the DMA may:

1. investigate into the Maritime Accidents and Maritime Incidents that take place in the Waters of the Emirate as a result of operating the Vessels licensed by the DMA;
2. investigate, upon the request of the MOEI or the Concerned Entities, the Maritime Accidents and Maritime Incidents that take place within the Waters of the Emirate as a result of operating Vessels that are not licensed by the DMA;
3. report to the MOEI the Maritime Accidents and Maritime Incidents that occur as a result of operating Vessels that are not licensed by the DMA;
4. provide advice and technical support to the Concerned Entities to assist them in performing their functions in respect of dealing with Maritime Accidents and Maritime Incidents;

5. issue the necessary reports stating the causes of the Maritime Accidents and Maritime Incidents and the relevant influencing factors; and follow up the implementation of the recommendations and corrective measures included in these reports, in coordination with the Concerned Entities;
6. facilitate the performance by the competent employees of the MOEI or Concerned Entities of their duties in investigating into or dealing with any Maritime Accident or Maritime Incident that take place within the Waters of the Emirate;
7. review the reports and Investigation findings issued by the MOEI in respect of any Maritime Accident or Maritime Incident that takes place within the Waters of the Emirate; and propose the relevant recommendations to prevent its recurrence;
8. adopt the methods, procedures, and forms required for reporting Maritime Accidents and Maritime Incidents that take place within the Waters of the Emirate;
9. form specialised work teams to investigate into any Maritime Accident or Maritime Incident that takes place within the Waters of the Emirate. These teams may be comprised of employees of the DMA or other persons who have the expertise and competence required to conduct Investigations;
10. coordinate with the MOEI on any additional Maritime Safety requirements or measures that must be fulfilled in implementation of international treaties and conventions; and
11. exercise any other duties or powers required for ensuring Maritime Safety within the Waters of the Emirate.

Reporting Maritime Accidents and Maritime Incidents Article (4)

The owners, operators, or masters of Vessels; the managers of Ports and Harbours; and the Concerned Entities, as the case may be, must immediately report to the DMA, using the methods and procedures posted on its official website, any Maritime Accident or Maritime Incident that takes place within the Waters of the Emirate.

Maritime Accidents or Maritime Incidents Reporting Information Article (5)

In reporting a Maritime Accident or Maritime Incident, the DMA must be provided with the following information:

1. the name or number of the Vessel, as approved by the DMA, the MOEI, or the IMO; and the Vessel's call sign;
2. the place and time of the Maritime Accident or Maritime Incident;

3. the details of the Vessel's cargo/ of the Vessel;
4. the type of the Maritime Accident or Maritime Incident;
5. a summary of the Maritime Accident or Maritime Incident, including the number of injuries or fatalities, and the material damage caused, if any;
6. a summary of the weather conditions at the time of the Maritime Accident or Maritime Incident;
7. particulars of the Vessels involved in the Maritime Accident or Maritime Incident, where more than one Vessel is involved; and
8. any other information or data that may be required for conducting the Investigation.

Investigation Processes Article (6)

Once a Maritime Accident or Maritime Incident is reported to the DMA, the DMA must:

1. notify the Concerned Entities that it has initiated an Investigation;
2. gather and analyse the initial information or data on the Maritime Accident or Maritime Incident;
3. categorise the received information and data; and assess the need for Investigation, while ensuring that the information or data is not altered or concealed and that the relevant documents are not destroyed;
4. take, in coordination with the Concerned Entities, the necessary action to preserve the site of the Maritime Accident or Maritime Incident, and ensure that this site is not altered or manipulated; and
5. reopen the Investigation into the Maritime Accident or Maritime Incident where new data or information that may affect the findings of the previous Investigation emerges.

Impoundment of Vessels Article (7)

Without prejudice to the procedures stipulated in the legislation in force, the DMA may, in coordination with the Concerned Entities:

1. impound the Vessel until completion of the Investigation;
2. not allow the foreign visiting Vessel to continue its voyage where this may hinder the Investigation;

3. temporarily seize/retain any part of the wreckage resulting from the Maritime Accident; and
4. remove any part of the wreckage resulting from the Maritime Accident, in case it endangers the Marine environment or Marine Safety.

Investigations Findings Reports Article (8)

- a. Upon concluding an Investigation, the DMA will prepare a preliminary detailed report including the findings of the Investigation into the Maritime Accident or Maritime Incident. This report must include:
 1. the name of the Vessel; and its registration entity, flag state, owner, operator, classification authority, call sign, and approved registration number;
 2. a chronological account of the events related to the Maritime Accident or Maritime Incident, and a statement of the resulting damage, if any;
 3. the primary and secondary causes of the Maritime Accident or Maritime Incident; and
 4. the recommendations necessary for preventing the recurrence of the Maritime Accident or Maritime Incident in the future.
- b. The DMA will send a copy of the preliminary detailed report to the Concerned Entities to provide their comments within thirty (30) days from the date on which it is sent.
- c. Where the Concerned Entities have no comments on the preliminary detailed report or where they fail to provide their comments within the time limit stipulated in paragraph (b) of this Article, the DMA will adopt the final Investigation report on the Maritime Accident or Maritime Incident. Otherwise, the DMA will amend the report in light of the comments it receives from these Concerned Entities and their discussion of the same.
- d. The DMA will, upon its adoption of the final Investigation findings report on the Maritime Accident or Maritime Incident, send that report to the Concerned Entities to take the relevant appropriate action.

Disclosure of Data and Information Article (9)

- a. The employees of the DMA or of the Concerned Entities may not disclose any data, information, records, documents, or drawings to which they have access in the course of conducting the Investigation, unless that disclosure is made in accordance with the legislation in force or based on a request from a competent judicial entity. This includes:

1. any communications between the individuals involved in the operation of the Vessel;
 2. any medical information or personal information related to the individuals involved in the Maritime Accident or Maritime Incident;
 3. any data, information, records, documents, or drawings whose leakage may affect the course of the Investigation.
- b. The DMA will maintain a special register to document the Investigations of Maritime Accidents and Maritime Incidents for the period of fifty (50) years starting from the date of completion of the Investigation.

Referral to Judicial Entities Article (10)

Where it is established to the satisfaction of the DMA that a Maritime Accident or Maritime Incident involves a criminal offence, the DMA must refer the matter to the competent judicial entity in the Emirate to take the relevant necessary action.

Sanctions and Administrative Penalties Article (11)

The penalties and measures stipulated in the above-mentioned Executive Council Resolution No. (11) of 2013 will be imposed against any person who violates the provisions of this Resolution.

Functions of Government Entities Article (12)

The provisions of this Resolution apply without prejudice to the functions assigned to Government Entities, including the Dubai Police, under the federal and local legislation in force in the Emirate.

Repeals Article (13)

Any provision in any other administrative resolution is hereby repealed to the extent that it contradicts the provisions of this Resolution.

Publication and Commencement
Article (14)

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

Dr. Saeed bin Ahmed bin Khalifa Al Maktoum
Executive Director
Dubai Maritime Authority

Issued in Dubai on 12 September 2023
Corresponding to 26 Safar 1445 A.H.