

NEWSFRONT

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LEGAL OPINION

Master's death / Time bar

A vessel sunk back in 1998, due to lack of maintenance which resulted to the vessel not being able to cope with adverse weather conditions. Most of her crew, including the master, drowned when the vessel sunk.

The master's heirs brought an action against the individual who was exploiting the vessel in 2013. From the evidence submitted, it was proven that the vessel lacked maintenance, that two classification societies had suspended her class status and that a third classification society finally issued the necessary certificates without requiring repairs indicated by the former classification societies to take place and without reasonably inspecting the vessel. Accordingly, the certifications issues were false.

The court found that the exploiter was liable for the death of the master; such liability was both penal and civil. The tort however, was held to be a misdemeanor, not a felony. Accordingly, the court, considering the time lapsed, found that the claim was time-barred and rejected the claim.

Piraeus One-membered Court of Appeal Judgment no 218/2023, Judge: E. Nikolakopoulou, Attorneys-at-law: A. Athanasiadis, G. Trantalidis, NOMOS legal platform.

NOTE: Felony has a time-bar of twenty years, whereas misdemeanor has one of five years. Since the tort was qualified as a misdemeanor, the delay to file the lawsuit had exceeded five years and the claim was time-barred.

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