

NEWSFRONT

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LEGAL OPINION

Sea Employment – Representative's Liability

In a case of a yacht stolen from the marina where it was berthed, insurers paid the assured party the corresponding remuneration; thereafter, exercising their right of subrogation, the underwriters sued the marina for lack of measures to protect the yachts. The court accepted the claim based on the evidence provided, and mainly because the fact a camera focusing on the yacht was not operating at the time of theft.

Piraeus one-member Court of Appeal Judgment no 299/2019, Judge: M. Daniil, Attorneys at law: I. Papadopoulos, N. Papachronopoulos, A. Gliarmi, N. Zemberis, Maritime Law Review vol. 47, p. 358.

NOTE: Under the concept of subrogation, the insurer may step into the shoes of the assured and exercise his claim, provided he has paid the insurance remuneration. The claim is made in the name of the assured, not the underwriter. The latter can claim in his name only if the claim is assigned to the insurer by the assured.

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