

NEWSFRONT

GREEK SHIPPING INTELLIGENCE

18 January 2019

Vol. 20 / No. 2



LEGAL OPINION

Limitation of liability for maritime claims

A tug suffered a black-out and grounded causing damages to the port's equipment, establishments and islets. The tug owners invoked limitation of liability under 1976 London Treaty on limitation of liability for maritime claims.

From the facts of the case, it was found the tug had four generators, none of which was able to operate to its maximum power but rather to a small fraction of it. This was due to lack of care regarding their maintenance. As the tug was sailing, the generators had to operate in excess of their -limited-power, and one after the other suffered a black-out, which led to the damages, as the tug pitch lost control.

The lack of care regarding the maintenance of the generators, was found to deprive the owners of the right to limit liability as per the 1976 London Treaty, as they should be in a position to assess that such an occurrence would be expected due to their own lack of care. So, it was found the owners were not found entitled to limit their liability.

Supreme Court Judgment no 1470/2017, Presiding: V. Peppas, Rapporteur Judge: A. Kaganis, Attorneys at Law: K. Roussos, D. Tsirikas, K. Kalavros, D. Voutsinos. Maritime Law Review vol. 45, p. 241.

NOTE: Here the court found the lack of care which could in general lead to damages and which could lead to any damage, including the specific one. This was sufficient to deprive the owners from limitation of liability entitlement, as per art.4 of the above Treaty.

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