

IOPAI

Rule 24 of Club Rules-Liability insured for Death of or Personal Injury to Non-Passengers

Member's attention is drawn to the Rule 24 of our Association's rules.

This rule basically provides cover to members for their liabilities to third parties i.e. to all non-crew persons on board who get involved in any incident related to an entered ship. It is specifically included to cover persons who have to conduct their business on board the vessel and covers the member for injury, illness or death of such a person as the ship-owner (member) has "Duty of care" to such mentioned persons.

These persons would include among others, stevedores, pilots, immigration officials, custom officials, and ship repair personnel.

In some jurisdiction accidents involving third parties will fall under local workmen's compensation schemes or the third party member/s would have been insured under their company cover, however most of such schemes will ultimately bring a claim against the ship-owner to attempt recovery of any compensation that may have been paid by these third party Insurers.

In case of any such event, members are requested to insure that the Insured vessel's master carries out a detailed investigation, take witness statements, prepare a report and enter such incidents on the log book. This should follow irrespective of how minor may be the incident, claims could follow later on.

Remember the obligation on the ship-owner is strict and he is required to provide a safe working environment of board the vessel.

Investigations of such nature assist in determining if the person/s involved in accidents leading to fatalities they may be crew or third party have contributed to mishap by his personal negligence in which case the ship-owners liability may be reduced proportionately to the injured person's own personal actions, this is known as contributory negligence.

It is recommended for members to enter into "A Contract of Indemnity" with all third party personnel visiting on board this could assist in reducing or negating a member's liability. It is advisable for members to send the format of such contracts of Indemnity used on board their entered vessels to the club for verification and approval.