

Passenger Claims

Nautical Institute

5th June 2017

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Director Loss Prevention**



Liability to pay damages or compensation:

- i. for personal injury, illness or death of any passenger and hospital, medical or funeral expenses incurred in relation to such injury, illness or death;*

- ii. to passengers on board an entered ship arising as a consequence of a casualty to that ship while they are on board, including the cost of forwarding passengers to destination or return to port of embarkation and of maintenance of passengers ashore;*

- iii. for loss of or damage to the effects of any passenger.*

‘Casualty’ means an incident involving either:

- (i) collision, stranding, explosion, fire, or any other cause affecting the physical condition of the entered ship so as to render it incapable of safe navigation to its intended destination; or
- (ii) a threat to the life, health or safety of passengers in general

- Most passenger claims involve slips, trips and falls
- Disappearances
- Ship casualties
- Food poisoning
- Norovirus
- Injuries during tendering operations

Cruise curtailment claims

Liability to pay damages or compensation:

to passengers on board an entered ship arising as a consequence of a **casualty** to that ship while they are on board, including the cost of forwarding passengers to destination or return to port of embarkation and of maintenance of passengers ashore.

Facts

- 7th January 2005 – ship on passage from Madeira to Southampton
- Problem with starboard propulsion electric motor
- Passengers disembarked at Southampton
- Next complement of passengers (1,367) boarded ship on 9th January – World Cruise
- Between 9th and 19th January, repairs carried out on starboard PEM
- Sea trials conducted
- Despite numerous attempts to repair propulsion problem – cruise abandoned
- Passengers compensated – full refund, on board credits and a future cruise credit

Facts

- On 21st November 2010 ship experienced partial failure of cyclo converter system
- Supplies power to two main propulsion electric motors
- Problem only affected port motor
- Motor could only produce half power – reduced speed
- Missed two ports of call – Cabo San Lucas and Puerto Vallarta
- Passengers offered on board credit of \$125 plus reimbursement of \$25 for port charges for missed call at Puerto Vallarta

Thank you – Any questions?