

NEWSFRONT

GREEK SHIPPING INTELLIGENCE

02 February 2018

Vol. 19 / No. 4



LEGAL OPINION

Labour accident – Remuneration – Time bar

Seafarers were lost when their vessel sank and their heirs subsequently sued ship-owners. The heirs sought remuneration according to the law 551/1915, which provides for a fixed amount depending on the nature of the damage, regardless of any fault by the ship-owner. They also sued for moral damages, a claim which can apply concurrently with the law 551/1915 claim, provided there is fault on the part of the owner, such fault being judged in general terms, not requiring violation of specific safety provisions.

Further, court found that heirs were in principle entitled to both claims; however, the three year time bar regarding the moral damages claim had lapsed. So the second claim was rejected.

Piraeus One-membered Court of Appeal Judgment no 230/2016, Judge: M. Kottaki, Attorneys at law: G. Trandalidis, P. Vrettakos, Maritime Law Review vol. 44. P. 171.

NOTE: Law 551/1915 provisions apply where we have no violation of safety regulations and cater for a minimal remuneration of the seafarer himself, if injured, or his heirs, if dead. Where there is violation of safety laws, claimants can request the far higher remuneration connected to accidents resulting from such breach. Mere fault of the ship-owner not amounting to violation of safety provisions, can however entitle claimants to moral damages.

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