LECTURE 08 • LGC424 • 4 H

LIMITATION OF LIABILITY, EXCLUSIONS AND FUND

Purpose. Apply the 1976 Limitation Convention regime, identify entitled persons and limited or excluded claims, assess conduct barring limitation and explain the operation of a limitation fund.

Learning outcomes supported. 2, 3, 5 and 6

Suggested time plan: Read and annotate 50 min | Research the Convention and statute 60 min | Complete the limitation analysis 100 min | Review 30 min | Total 4 h

Research questions

1. Who may limit liability, which claims fall within the regime and which claims remain excluded?
2. Why is the Article 4 test for conduct barring limitation deliberately demanding?
3. How does constitution of a limitation fund affect security, other proceedings and distribution among claimants?

Independent-learning activity

4. Read the lecture and analyse a fictional casualty producing personal-injury, cargo, harbour-damage, salvage and pollution claims.
5. Classify each claim as potentially limited, excluded or governed by another liability regime, explaining any uncertainty.
6. Identify the evidence relevant to Article 4 and distinguish operational negligence from the personal conduct required to break limitation.
7. Submit a 1,200-word limitation strategy with a claims schedule, fund-process diagram and recommendation on when specialist calculation is required.

Recommended further reading

IMO: Convention on Limitation of Liability for Maritime Claims

Merchant Shipping Act 1995, Schedule 7

IMO: Unified interpretation of the test for breaking limitation

Also use the corresponding London Gateway College lecture material and any tutor-approved primary authority or specialist maritime-law source.