



Type of Ship: All Area: France

Bulletin 88 - 03/99 - Ship's Liability in Pilot Injury Cases - Supreme Court Decision - France

Following a decision in February 1999 in the supreme court (Cour de Cassation) in France, it has been decided that under article 19 of the French Act dated 3/1/69 a shipowner must bear all the costs and expenses for injury caused to a pilot **except** when it can be proved that the pilot was **negligent**.

In the case in question the pilot was injured when he disembarked from an oil tanker to a pilot boat. The weather conditions were poor, wind force 8/9. The supreme court confirmed the court of appeal's decision that the pilot was two thirds liable because the decision to disembark was taken by the pilot and that in this case the pilot had wrongfully appreciated the danger of disembarking in such bad weather conditions. Although the pilot was considered to have been negligent the Master was also found negligent being apportioned one third to blame because it was felt he should have tried to prevent the pilot from disembarking.

We would recommend that in such situations, the Master put in writing, in the log book, words to the effect that he requested the pilot not to disembark but that the latter decided to disembark without taking into account the Master's request.

Source of information :-

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