

THOMAS MILLER LAWYER LECTURES ON P&I CLUBS AT IMLI

Mr. Richard Case (Thomas Miller P&I Limited) visited the IMO International Maritime Law Institute on 27 February 2017 and delivered a set of lectures on Protection and Indemnity (P&I) Clubs to the IMLI Class of 2016 – 2017.



Mr. Richard Case with the IMLI Class of 2016 – 2017

In introducing the topic, Mr. Case discussed the history of P&I Clubs, the types of risk covered by the Club and the types of risk that are excluded. According to him, P&I clubs started in the 19th century for a number of reasons, most notably, the increase in the liabilities of ship owners under certain legislations, such as the Fatal Accident Act and the Harter Act among others.

He referred to the P&I Clubs included in the International Group (IG) such as Britannia 1854; Shipowners 1855; West of England 1855; North of England 1860; London Club 1866; UK Club 1869; Swedish Club 1872; Steamship 1909; American Club 1917, and the Japan Club 1950, to mention a few.

Some of the basic facts the lecture revealed about the International Group related to the Group consisting of 13 Clubs which insure a total of 90% of the world's ocean-going tonnage; that the International Group reinsurance contract is the biggest marine reinsurance contract in the world; and that the Group is the body that speaks for the shipping industry on insurance matters.

Mr. Case engaged the Class in analysing the difference between mutual insurance and commercial insurance, concluding that the former is essentially co-operative self-insurance (a "club") with common risks and common liabilities. The Class was informed of some of the essential features of mutual insurance such as, that the assureds are also the insurers, that the assureds own the insurance fund, and that the aim of mutual insurance is not to make profit but to cover losses mutually.

Furthermore, the Class was made to understand that P&I Insurance is an insurance in respect of third party liabilities. It does not, therefore, cover hull and machinery insurance, war risk insurance, loss of profit insurance, detention insurance, and freight demurrage insurance.

Other topical issues discussed during the lecture were related to stowaways' and refugees' liabilities – with emphasis that such liabilities must be properly incurred – collision liabilities, pollution liabilities, and wreck removal and cargo liabilities.

Mr. Richard Case obtained a B.A. Hons Degree in Law and History of Art from the Oxford Polytechnic in 1980. He worked with Roneys Law Firm, London Wall, London from 1982 to 1984, when he moved to Holman Fenwick & Willan Law Firm Lloyds Avenue, London until 1985. Currently, Mr. Case works with Thomas Miller P&I Limited, London. He handles P&I claims and gives advice to UK Club Shipowner and Charterer Members based in Greece, Italy and the UK.

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