

LLOYD'S REGISTER GROUP HEAD OF DISPUTE RESOLUTION AND COMPLIANCE LECTURES AT IMLI

Mr. Andrew Kennedy (Group Head of Dispute Resolution and Compliance, Lloyd's Register) visited the IMO International Maritime Law Institute on 17 February 2020 and delivered a lecture to the IMLI Class of 2019-2020 concerning the responsibilities of ship safety surveyors.



Mr. Andrew Kennedy (Group Head of Dispute Resolution and Compliance, Lloyd's Register), Professor David Attard (Director, IMLI) and the IMLI Class of 2019-2020

Mr. Kennedy started his lecture by introducing the notion of ship classification and the main actors in the field, including the Lloyd's Register. He informed the students that, as a leading classification society, Lloyd's Register is authorised to act as a Recognised Organisation by 116

countries (flag Administrations) to survey and certify ships against the requirements of the IMO Conventions. The scope of such authorisation may vary, he said, but always, tacitly, includes classification which essentially provides safety standards for the construction and maintenance of the hull, propulsion, and machinery of ships.



Mr. Andrew Kennedy addressing the students

Mr. Kennedy explained to the students the relationship between the class of the vessel and the statutory standards that are to be observed by the vessel for her safe operation. In this regard, he mentioned the SOLAS, Load Line and MARPOL conventions adopted by IMO which address *inter alia* structural integrity, fire and lifesaving appliances, communications, damage stability, propelling machinery, electrical and control systems. He noted that all these aspects require statutory certification as provided in the abovementioned instruments.

In order to give a clear picture on the subject of the lecture, Mr. Kennedy covered briefly some of the real court cases involving the Lloyd's Register focusing on the strong legal authority in both common and civil law jurisdictions rejecting economic loss claims by commercial interests against

government and ship inspection bodies based on allegations of negligence. He mentioned the famous *Erika* case (classed by Registro Italiano Navale, which was subsequently found jointly liable with Total as a result of wanton disregard of the safety requirements for more than €204 million) the *Prestige* case (classed by American Bureau of Shipping) and the legislation changes that followed these disasters including the creation of the European Maritime Safety Agency (EMSA), the phasing-out of single hull tankers within the MARPOL framework, and the criminal penalties introduced for polluting discharges at sea.



Mr. Andrew Kennedy, Professor David Attard (Director, IMLI) and the Lloyd's Foundation Fellows of the academic-year 2019-2020

Mr. Andrew Kennedy is Global Head of Dispute Resolution and Compliance at Lloyd's Register, the world's first classification society. He graduated in law from the University of Kent at Canterbury and was called to the Bar of England and Wales, initially practising in criminal and general common law, before joining Lloyd's Register as a Legal Adviser. In his time at Lloyd's Register, he has managed successfully the defence of claims advanced by some of the world's leading maritime, commercial and criminal lawyers in over 30 jurisdictions. Cases against Lloyds Register and classification have been defended successfully before the Supreme Courts in seven

of those jurisdictions. Mr. Kennedy is Chair of the International Association of Classification Societies (IACS) Expert Law Group and is a non-executive Director of the Institute of Maritime Law at the University of Southampton.

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