

MINISTRY OF SHIPPING

NOTIFICATION

New Delhi, the 16th February 2015

G.S.R. 98(E).—In exercise of the powers conferred by section 352FA read with section 352B of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Merchant Shipping (Limitation of Liability for Maritime Claims) Rules, 2015.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**— In the rules, unless the context otherwise requires,—

a. "Act" means the Merchant Shipping Act, 1958;

b. "maritime claim" in respect of limitation of liability means a claim as specified in section 352A of the Act.

c. words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. **Limitation of Liability for maritime claims.**— (1) Subject to the provisions of section 352B, the limit of liability for claims under sub-section (1) of 352A shall be as under, namely:—

- (a) In respect of claims for loss of life or personal injury,—
- (i) two million units of account for a ship with a tonnage not exceeding two thousand tons;
 - (ii) for a ship with a tonnage exceeding two thousand tons, the following amount in addition to that mentioned in sub-clause (i):—
 - (A) for each ton from two thousand and one tons to thirty thousand tons, eight hundred units of account;
 - (B) for each ton from thirty thousand and one tons to seventy thousand tons, six hundred units of account;
 - (C) for each ton in excess of seventy thousand tons, four hundred units of account;
- (b) In respect of any other claim, -
- (i) one million units of account for a ship with a tonnage not exceeding two thousand tons;
 - (ii) for a ship with a tonnage exceeding two thousand tons, the following amount in addition to that mentioned in sub-clause (b)(i) :—
 - (A) for each ton from two thousand and one tons to thirty thousand tons, four hundred units of account;
 - (B) for each ton from thirty thousand and one tons to seventy thousand tons, three hundred units of account; and
 - (C) for each ton in excess of seventy thousand tons, two hundred units of account.
- (2) Where the amount calculated in accordance with clause (a) of sub-rule (1) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with clause (b) of sub-rule (1) shall be available for payment of the claims under clause (a) of sub-rule (1) and such unpaid balance shall rank rateably among other claims under clause (b) of sub-rule (1).
- (3) The limit of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of one thousand five hundred tons.
- (4) For the purpose of sub-rule (1), the tonnage of a ship shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex-1 of the International Convention on Tonnage Measurement of Ships, 1969.
- (5) In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship, the limit of liability of the ship owner shall be an amount of one lakh seventy five thousand units of account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate.
4. Limitation of liability for Indian ships intended for navigation in or around the coast of India,— (1) The limit of liability for claims under this rule arising on any distinct occasion shall be calculated as follows:—
- (a) in respect of personnel claims or property claim,—
- (i) three lakhs thirty three thousand units of account for a ship with a tonnage not exceeding five hundred tons;
 - (ii) for a ship with a tonnage exceeding five hundred tons, the following amount in addition to that mentioned in sub-clause (i),—
 - (A) for each ton from five hundred one tons to three thousand tons, five hundred units of account;
 - (B) for each ton from three thousand and one tons to thirty thousand tons, three hundred and thirty three units of account;
 - (C) for each ton from thirty thousand and one tons to seventy thousand tons, two hundred and fifty units of account;

- (D) for each ton in excess of seventy thousand tons, one hundred and sixty-seven units of account;
- (b) in respect of any other claims,—
- (i) one lakh and sixty-seven thousand units of account for a ship with a tonnage not exceeding five hundred tons;
- (ii) for a ship with a tonnage exceeding five hundred tons, the following amount in addition to that mentioned in sub-clause (i),-
- (A) for each ton from five hundred and one tons to thirty thousand tons, one hundred and sixty-seven units of account;
- (B) for each ton from thirty thousand and one tons to seventy thousand tons, one hundred and twenty five units of account;
- (C) for each ton in excess of seventy thousand tons, eighty three units of account.
- (2) Where the amount calculated in accordance with clause (a) of sub-clause (1) is insufficient to pay the claims mentioned therein in full, the amount calculated in accordance with clause (b) of sub-rule (1) shall be available for payment of the unpaid balance of claims under clause (a) of sub-rule (1) and such unpaid balance shall rank rateably among other claims under clause (b) of sub-rule(1).
- (3) The limit of liability for any salvor not operating from any ship or for any salvor operating solely on the ship to, or in respect of which he is rendering salvage services, shall be calculated according to a tonnage of one thousand and five hundred tons.
- (4) For the purpose of sub-rules, (1) the tonnage of a ship shall be the gross tonnage calculated in accordance with the tonnage measurement rules contained in Annex 1 of the International Convention on Tonnage Measurement of Ships, 1969.
- (5) In respect of claims arising on any distinct occasion for loss of life or personal injury to passenger of a ship, the limit of liability of one ship owner shall be an amount of forty six thousand, six hundred and sixty six units of account multiplied by the number of passengers which the ship is authorised to carry according to the ship's certificate, but not exceeding twenty five million units of account.

Explanation – (1) For the purpose of this rule, claims for personal injury means claims

resulted on account of serious physical or mental injury, partially incapacitated sustained by the seafarer in course of or during employment of the ship as per the provision of relevant Collective Bargaining Agreement [CBA] entered between ship owner and the seafarers associations.

Explanation – (2) For the purpose of this rule any other claims means claims resulted on account of property damage, consequential loss, pure economic loss, environmental damage and legal expenses including technical advice sustained by the claimants in any maritime claim except claims in respect of personal injury.

5. Unit of accounts. - (1) The unit of account referred to in rule 3 and rule 4 is the Special Drawing Rights as defined in clause (j) of section 352 of the Act.

(2) The amount calculated under rule 3 and rule 4 shall be converted into Indian rupee according to the value of the rupee at the date the Fund is constituted or deposit is made or guarantee is given under sub-section (2) of section 352C

[F. No. SR-11011/2/2008-MG]

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