

A COMPARISON OF CROATIAN AND ENGLISH LAW AND BUSINESS PRACTICE RELATING TO MARINA OPERATOR LIABILITY INSURANCE

ASSISTANT PROFESSOR MARIJA PIJACA

UNIVERSITY OF ZADAR

MARITIME DEPARTMENT

IN GENERAL

- English insurance market; London insurance market
- Marine insurance; transport insurance
- MARINA OPERATOR LIABILITY INSURANCE

smaller segment of insurance portfolio









- High risks of liability
- ne vessels in Number and
- Marina should be aware of exposure to various risks in the performance of their business activities Th\

not compulsory insurance

Padovan, A. V., Marina Operator's Liability Arising From Berthing Contracts and Insurance Matters, PPP, 52 (2013), 167, pp. 1-35.





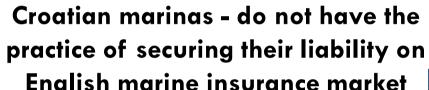


























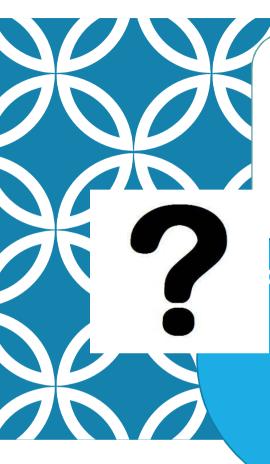
- On the English market there are different insurance groups:
- Lloyd's (Lloyd's Act, 1971, 1982)
- independent insurance companies
- organizations for mutual insurance
- Brokers

Brokers: Croatian law - *Insurance Act* (art. 411- brokers)

150% - policy - marina liability insurance







English insurance market
Standard terms and conditions

- in which there are unified conditions for all risks
 - -> marina operator liability

insurance

Croatian insurance
market
Standard terms
and conditions of
marina operator
liability insurance

main features of marina operator liability insurance in the context of Croatian and English law and practice



- focuses on the <u>business</u>
 <u>practice</u> and
- standard terms and conditions of marina operator insurance.

MARINA OPERATOR LIABILITY

The term marina operator liability
means liability from marina
business
commercial
Subject of marina operator liability insurance - liability for
damage arising from the business activities of the marina

. поршту

liability towards third party the users of services liability

sources

Contract liability – liability towards the users of services provided by the marina:

liability for damages on the vessels that are on the berth

belongings

ed in the

a

disruption of user health

Third party liability - liability to third parties for damage to their property, for damage caused by death, injury or damage to third party health and environmental pollution.

MARINA OPERATOR LIABILITY INSURANCE

<u>Legal sources</u> related to marina operator liability insurance

- Croatian law:
- there are no legal sources that specifically regulate marina operator liability insurance
- Maritime Code
- marina operator liability insurance is largely regulated by the Obligation Act; special provisions Insurance Contract, art. 921-965, Liability Insurance, art. 964-965.

It is common that damages to yachts and boats are primarily cover by marine hull and machinery insurer SUBROGATION

insurer may require a compensation for the damages from the liability of the marina or directly through the marina operator liability insurer.

"a special relationship" with some maritime insurance
ship repairer liability insurance

coverage of marina liability
for damage to vessels received
for repair and service=marine insurance

Marina – owner: P&I insurance

MC + OA
if the coverage of this type of liability is "incorporated"
into a single insurance contract

<u>Legal sources</u> related to marina operator liability insurance

- English law:
- there are no legal sources that specifically regulate marina operator liability insurance
- ➤ Marine Insurance Act, 1906
- marina operator liability insurance is largely regulated by the UK Insurance Act-a, 2015 applies to all commercial contracts of insurance

Common law

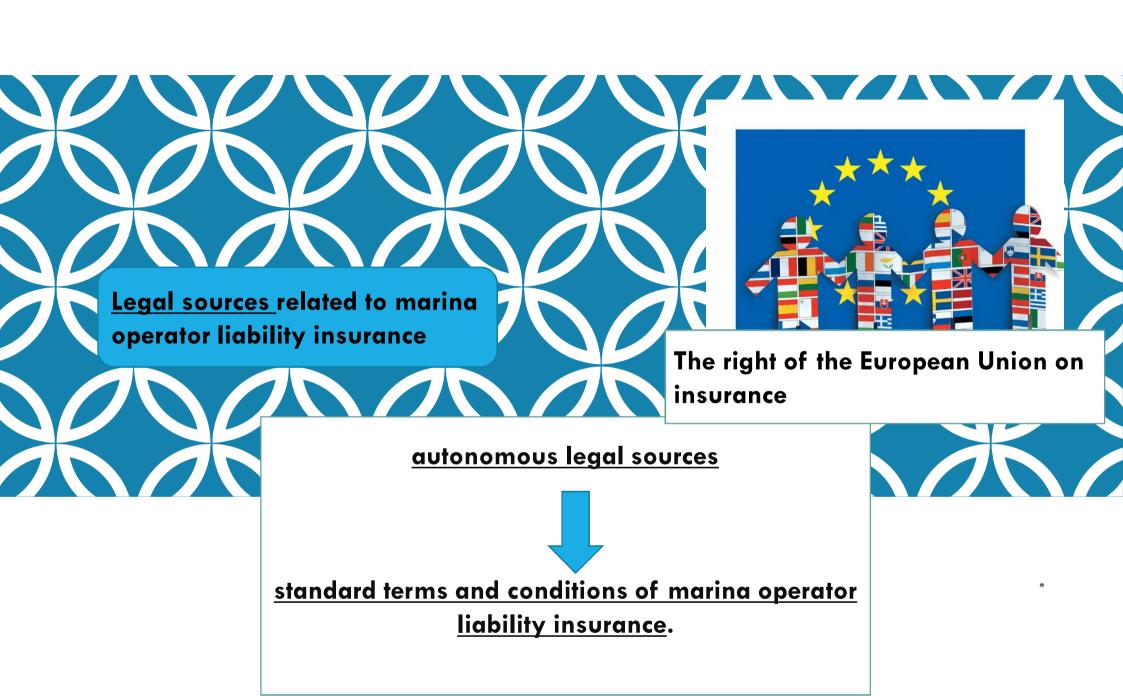


INSURANCE ACT 2015

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Marine Insurance Act 1906. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)



Marine Insurance Act 1906



MARINA OPERATOR LIABILITY INSURANCE

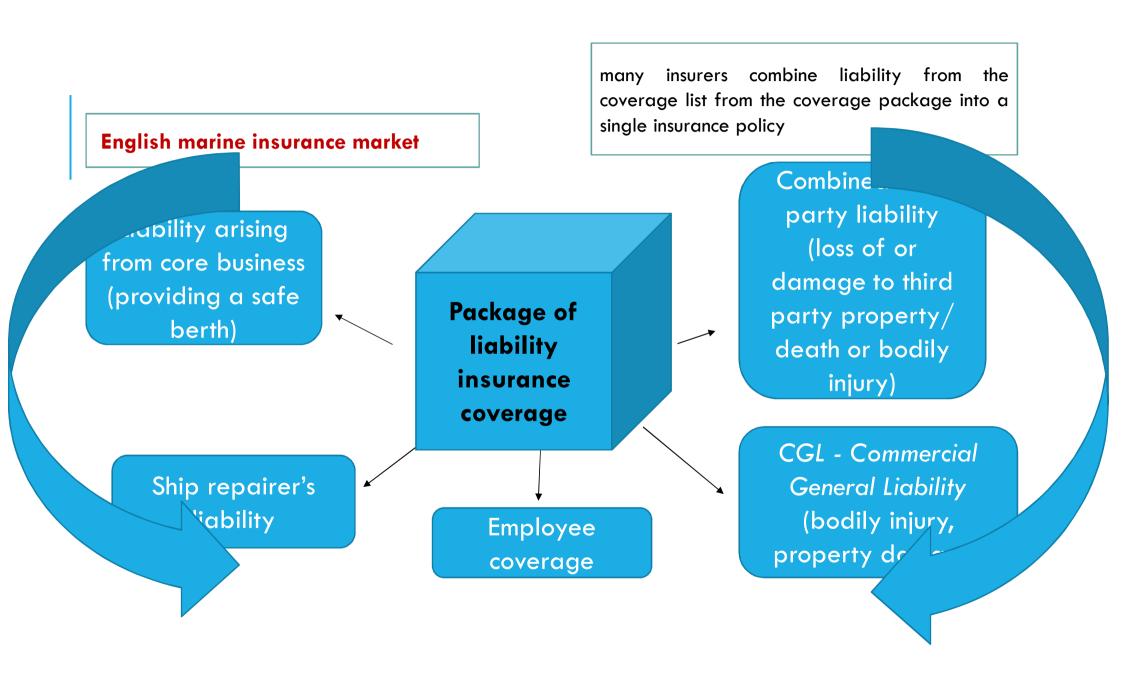
Business practice related to marina operator liability insurance

- quite a different "picture" of Croatian and English business practices in the matter of marine liability insurance
- English business practice:



The English marine insurance market commonly offers a package of liability insurance coverage that is tailor-made according to the needs of a particular client (the insured marina operator).







Business practice related to marina operator liability insurance

Croatian business practice:

One policy \rightarrow general liability - that includes CORE BUSINESS COVER



Another policy → third party legal liability

+ damage caused by environmental pollution

+ employee coverage





- environment significant for assessing the risk of marina liability Insurance
- damages excluded from insurance
- provisions on the notification and compensation for damage
- third parties rights against insurers



CONCLUSION

□ <u>Legal sources/</u> the relevant legal framework

- there are no legal sources that specifically regulate marina operator liability insurance in Croatian and English law
- autonomous legal sources

Business practice

- quite a different "picture" of Croatian and English business practices in the matter of marine liability insurance
- English business practice:



Croatian business practice:

One policy - general liability - that includes CORE BUSINESS COVER//

Another policy → third party legal liability + damage caused by environmental pollution + employee coverage



ASSISTANT PROFESSOR MARIJA PIJACA
UNIVERSITIY OF ZADAR
MARITIME DEPARTMENT

mpijaca@unizd.hr

