

**TITLE 47 – MARITIME**  
**CHAPTER 5 - LIMITATION OF LIABILITY FOR MARITIME CLAIMS**



Republic of the Marshall Islands  
*Jepilpilin Ke Ejukaan*

**LIMITATION OF LIABILITY FOR MARITIME  
CLAIMS ACT**

**Arrangement of Sections**

Section	Page
<b>PART I - THE RIGHT OF LIMITATION</b>	<b>3</b>
§501. Short title. ....	3
§502. Persons entitled to limit liability. ....	3
§503. Claims subject to limitation. ....	4
§504. Claims excepted from limitation. ....	5
§505. Conduct barring limitation. ....	6
§506. Counterclaims. ....	6
§§507-509. Reserved. ....	6
<b>PART II - LIMITS OF LIABILITY</b>	<b>6</b>
§510. The general limits. ....	6
§511. The limit for passenger claims. ....	8
§512. Unit of Account. ....	8
§513. Aggregation of claims. ....	8
§§514-519. Reserved. ....	9
<b>PART III - THE LIMITATION FUND</b>	<b>9</b>
§520. Limitation of liability without constitution of a limitation fund. ....	9
§521. Constitution of the fund. ....	9
§522. Distribution of the fund. ....	10
§523. Bar to other actions. ....	10
§524. Governing law. ....	11
§525. Scope of application. ....	11



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CLAIMS ACT**

AN ACT to provide for a comprehensive modernization of the maritime laws of the Republic of the Marshall Islands. [The legislation in this Chapter 5 was originally codified as Part V of 34 MIRC 3.]

<i>Commencement:</i>	<i>September 13, 1990</i>
<i>Source:</i>	<i>P.L. 1990-92</i>
<i>Amended By:</i>	<i>P.L. 2006-53</i>
<i>P.L.2020-06</i>	

**PART I - THE RIGHT OF LIMITATION**

**§501. Short title.**

This Chapter may be cited as the Limitation of Liability for Maritime Claims Act.[Short title supplied by Reviser during re-codification of the original Act.]

**§502. Persons entitled to limit liability.**

- (1) Shipowners and salvors, as hereinafter defined, may limit their liability in accordance with the rules of this Chapter for claims set out in Section 503 of this Chapter.
- (2) The term “**shipowner**” shall mean the owner, charterer, manager and operator of a seagoing ship.
- (3) “**Salvor**” shall mean any person rendering services in direct connection with salvage operations.Salvage operations shall also

include operations referred to in Section 503(1)(d), paragraph 1(d), (e) and (f) of this Chapter.

- (4) If any claims set out in Section 503 of this Chapter are made against any person for whose act, neglect or default the shipowner or salvor is responsible, such person shall be entitled to avail himself of the limitation of liability provided for in this Chapter.
- (5) In this Chapter the liability of a shipowner shall include liability in an action brought against the vessel herself.
- (6) An insurer of liability for claims subject to limitation in accordance with the rules of this Chapter shall be entitled to the benefits of this Chapter to the same extent as the assured himself.
- (7) The act of invoking limitation of liability shall not constitute an admission of liability.
- (8) “**Court**” shall mean within the Republic the High Court, sitting in Admiralty; and without the Republic shall mean a court of competent maritime jurisdiction.[P.L. 1990-92, §118.]

### **§503. Claims subject to limitation.**

- (1) Subject to Sections 504 and 505 of this Chapter, the following claims, whatever the basis of liability may be, shall be subject to limitation of liability:
  - (a) claims in respect of loss of life or personal injury or loss or damage to property (including damage to harbor works, basins and waterways and aids to navigation), occurring on board or in direct connection with the operation of the ship or with salvage operations, and consequential loss resulting therefrom;
  - (b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;
  - (c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the ship or salvage operations;
  - (d) claims in respect of the raising, removal, destruction or the rendering harmless of a ship which is sunk, wrecked, stranded

- or abandoned, including anything that is or has been on board such ship;
- (e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the ship; or
  - (f) claims of a person other than the person liable in respect of measures taken in order to avert or minimize loss for which the person liable may limit his liability in accordance with this Chapter, and further loss caused by such measures.
- (2) Claims set out in Subsection (1) of this Section, shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise. However, claims set out under Subsections 1(d), (e) and (f) of this Section, shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable. [P.L. 1990-92, §119.]

#### **§504. Claims excepted from limitation.**

The rules of this Chapter shall not apply to:

- (a) claims for salvage, including, if applicable, any claim for special compensation under Article 14 of the International Convention on Salvage 1989, as amended, or contribution in general average;
- (b) claims for oil pollution damage within the meaning of the International Convention on Civil Liability for Oil Pollution Damage, dated 29 November 1969 or of any amendment or Protocol thereto which is in force;
- (c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability for nuclear damage;
- (d) claims against the shipowner of a nuclear ship for nuclear damage; or
- (e) claims by servants of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependents or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants the shipowner or salvor is not entitled to limit his liability in