



## Rigs on Walkabout – Hurricane Breakaways!

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## Rigs on walkabout...should you be worried?



## Rig Owner Liability for Hurricane Breakaways-Outline

- Liability to Objects that the Breakaway Vessel Damages
- Vessel Owner may be Negligent if it Fails to Properly Moor/Secure a Vessel
- Negligence is Presumed When a Drifting Vessel Hits a Fixed Object
- The Act of God Defense
- The Wreck Act
- The Duty to Search for, Mark and Remove Wreck
- The Oil Pollution Act of 1990
- The Nairobi Convention
- Conclusion

3

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## Liability to Objects that the Breakaway Vessel Damages



4

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## **Liability under General Maritime Law**

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1. Duty to properly moor in anticipation of hurricane
2. Strong presumption of fault against drifting vessel
3. Burden of persuasion is on owner of drifting vessel

5

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## **Liability of a Drifting Vessel**

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Drifting vessel may rebut presumption of fault if

1. Allision was the fault of the stationary object
2. The moving vessel acted with reasonable care
3. The allision was an unavoidable accident, e.g., Act of God

6

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