

# Continuing Professional Development Certificate

## "Atlantic Confidence": No hiding place for fraudulent owners

**Date:** Wednesday 22 November 2017

**Time:** 1.15pm - 2.00pm

**Speaker:**

Alex Kemp, Senior Associate, Holman Fenwick & Willan

In this IIL lecture Alex Kemp, explained the "Atlantic Confidence" case and how the fraud was proven, what ramifications this had for other stakeholders in the Vessel such as MII insurers and the liability insurers and in particular, what 'red flags' can be identified from Owner's financial circumstances. In this case, cargo interests successfully argued that the Owners had deliberately scuttled the ship in the Indian Ocean, and as a result were not entitled to limit their liability under the Convention on Limitation of Liability for Maritime Claims 1996. Alex also outlined the consequences of this case; that this was the first time that Owners have not been able to limit in the English Courts, and possibly the first time in any common law jurisdiction, but also how this case was decided on the balance of probabilities, which should assist insurers in investigating future claims where fraud is suspected.

By the end of this lecture, members would have gained an insight into:

- The underwriting and financial risks of over insurance
- The valuation of fraudulent claims
- Challenging fraudulent claims



This lecture or podcast can be included as part of your CPD requirement should you consider it relevant to your professional development needs. It is recommended that you keep any evidence of the CPD activity you have completed and upload copies to the recording tool as the CII may ask to see this if your record is selected for review.