



**STANDARD CLAUSE FOR LIMITING AGENTS LIABILITY FOR FILING
ISPS CODE COMPLIANCE INFORMATION**
(Approved by ITIC)

In carrying out his duties on behalf of his principal, the agent will be required to notify the master and owners or operators of a vessel (hereinafter referred to as the “principal”) of the information required to enable the vessel to comply with the ISPS Code as implemented in the particular port. The agent may additionally be required to receive and pass that information on to the relevant shore authority.

The duty of the agent in this regard is limited to correctly notifying the principal of the information required, the date by which it is required and the address to which it must be sent. If the agent is additionally required to pass the information on, his liability is extended to include ensuring the information provided by the vessel is correctly lodged with the relevant shore authority within the required time limit. Any failure by the agent to undertake these duties with the utmost skill and care can render the agent liable for the loss incurred. Under no circumstances, however, can the agent be held liable for the accuracy of the information provided by the principal, or if the principal fails to make the information available to the agent within the required time limit or for any other error or failure that may occur. These remain at all times the responsibility of the principal.

In order to avoid the principal trying to hold the agent liable for any act or omission outside of the foregoing, FONASBA recommends that agents include the following clause, approved by ITIC, in their standard trading conditions or any other document relating to the agent’s responsibilities and liabilities in relation to its principal:

Agent’s liability for the provision of information relating to compliance with the ISPS Code

(Name of Agent) will exercise reasonable skill and care to file the data correctly and within the prescribed filing deadlines. It must be noted, however, that (Name of Agent) cannot accept any responsibility or liability for the correctness and accuracy of the information provided by the “ship” (which term includes the owner/charterer/operator) or if the ship fails to provide the data in a timely manner or there are technical problems or human error beyond the Agent’s control. (Name of Agent) can provide the filing process as a data exchange service only. Any losses or liabilities resulting from the filing, whether or not (Name of Agent) was or is claimed to have been negligent or at fault in any way, rest with the ship.