



INTERNATIONAL
OIL POLLUTION
COMPENSATION
FUND

EXECUTIVE COMMITTEE
49th session
Agenda item 3

71FUND/EXC.49/4/Add.1
24 June 1996

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INCIDENTS INVOLVING THE IOPC FUND

BRAER

CLAIMS SITUATION

Note by the Director

1 Few developments have taken place in the proceedings in the Court of session in Edinburgh since the Executive Committee's 47th session.

2 A detailed analysis of the claims filed in the court proceedings was given in document FUND/EXC.47/4.

3 A summary of the claims pending in the court proceedings as at 20 June 1996 is given in Annex I of this document and a breakdown of the claims relating to the salmon and fishery industries is contained in Annexes II and III, respectively.

4 It should be noted that four claims relating to loss of income allegedly suffered by salmon farmers as a result of price damage have been withdrawn during June 1996. The claim of the largest salmon farm within the exclusion zone imposed by the United Kingdom Government has now been settled and its £1 million price damage claim has also been withdrawn. In addition, five claims totalling £79 575 were also withdrawn during June 1996. These claims related to costs and fees incurred by the fish farms' insurers following the incident.

5 **Action to be taken by the Executive Committee**

The Executive Committee is invited to take note of the information contained in this document.

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ANNEX I

Summary of claims pending in the court proceedings as at 20 June 1996

	Total £
United Kingdom Government (Dept of Transport and Scottish Office)	3 571 181
Shetland Islands Council	1 508 317
P & O Scottish Ferries Ltd	902 561
Personal Injury	500 000
Westside Fishermen Ltd - Fishing Agent	130 217
Fish Processors	10 505 245
Shetland Fish Processors Association	229 489
Shetland Fish Producers Organisation	36 108
Tourism - Trustees of Lerwick Harbour, owners of the Shetland Hotel	149 000
Tourism & Property Damage	400 000
Property Damage	8 031 650
Loss of Income - Magnus Smith - Wholesale Butcher	650 000
Shipowner's LOF 90 claim	1 678 126
Salmon farming industry (see breakdown in Annex II)	17 644 480
Fishing industry (see breakdown in Annex III)	28 919 353
Total amount claimed as at 20.6.96	74 855 728

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ANNEX II
Summary of salmon farming industry claims

	Original claim amount	Withdrawn	Rejected by the IOPC Fund	Settlement possible	
Salmon price damage	10 324 386	757 448.74	9 566 937.26		4 claims withdrawn
Wadbister Salmon Ltd	1 980 978	936 885.77	1 044 092.23		} claim amounts revised by claimants
Wadbister Offshore Ltd	1 980 978	1 011 097.87	969 880.13		
Shetland Salmon Producers Ltd	2 204 035	1 434 035*		✓	Settled for £770 000
Shetland Salmon Producers - subrogated insurance claim	284 512		284 512		
Shetland Sea Farms Ltd	2 547 712			✓	Settlement expected in near future
Costs and fees	79 575	79 575			
Shetland Atlantic Salmon	500 000			?	No new information submitted in support of this claim
Landcatch	1 961 347		1 961 347		
Totals	21 863 523	4 219 042.38			
Revised total claim amount for salmon farming industry as at 20.6.96	17 644 480				

* includes £1m for salmon price damage

ANNEX III
Summary of fishing industry claims

	Original claim amount	Withdrawn	Rejected by the IOPC Fund	Settlement possible	
Fishing general	22 457 678		3 043 453	✓	Only if future losses accepted
Herring and mackerel	1 534 865			✓	
Mussel farmer	294 000			✓	Only if future losses accepted. Ban still prevents harvesting of produce
I Watterson	1 293 555	1 293 555			
Scallop fishing (Queen Scallops)	205 384			?	Toxicity testing results awaited
Scallop divers (King Scallops)	913 797		913 797		
Lobster fishermen	672 937			?	Toxicity testing results awaited
Burra Haaf	2 840 692			✓	Only if future losses accepted. Fishing in Burra Haaf still poor
Totals	30 212 908	1 293 555			
Revised total amount for fishing claims as at 20.6.96	28 919 353				