

JURISGUARD
CABINET D'AVOCATS A LA COUR
BARRISTERS AT LAW

DAN EUROPE
DIVERS ALERT NETWORK

**THE SCUBA DIVER
& THE LAW**

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THE GENERAL PRINCIPLES

CRIMINAL LIABILITY / CIVIL LIABILITY

The sanction of socially reprehensible behaviour in order to maintain public order
(Protection of the general interest)

The compensation for material or moral harm to others
(Protection of special interest)

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THE MAIN CRIMINAL OFFENCES
RELATING TO SCUBA DIVING

1. Deliberate endangerment of life
2. Unintentional injuries
3. No Assistance to persons at risk
4. Illegal Exercise of Medicine

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THE MAIN CIVIL LIABILITY RULES
RELATING TO SCUBA DIVING

1. Tort liability
2. Contractual civil liability
3. Civil liability as of right

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CASE STUDY

DIVING BETWEEN FRIENDS

Most common legal issues:

1. Legal framework
2. Check of medical certificates and diving certificates

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CASE STUDY

VARIANT: THE « CLUB » TRIP

Most common legal issues:

1. Legal framework
2. Evolution of the European Package Travel Directive (1990/2015)






CASE STUDY

ASSISTANCE TO A DIVER VICTIM OF AN ACCIDENT

Most common legal issues:

1. Obligation to carry first aid equipment?
2. Special qualifications of the first responder?
3. Abstention and no assistance to persons at risk
4. Action and illegal exercise of medicine



CASE STUDY

VARIANT :

INJURIES TO THE DIVER
WHO ASSISTS AN UNCONSCIOUS DIVER

Specific legal issues:

How to compensate the "good Samaritan" who takes the initiative to rescue an unconscious diver , without any request for?






CASE STUDY

THE REQUEST TO A SPECIALISED MEDICAL CALLCENTER (DAN EUROPE)

Legal issues: how to reconcile the essential principles of Medicine with those of telemedicine

1. Informed patient consent and enhanced information requirements
2. Free choice of doctor
3. Medical secrecy... shared
4. Shared Medical Responsibility

REMEMBER,

The most dangerous sharks don't live underwater.




Thanks for your attention,
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