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Legal Responsibilities for Accidents Occurring in School Physical Education and Countermeasures

By *Ryuji Takamine**

Administrators of schools and teachers of physical education have a great fear about accidents occurring during activities of physical exercise.

First, how can they make victims and their family members understand?

The thing which is most fearful is that teachers are blamed for errors committed in connection with their guidance and claimed compensation for the loss. In civil trials, the most essential issue is that the defendant committed an error or not, and if decided to have committed an error, he must pay reparations proper for the error to the plaintiff. The second thing about which such administrators are concerned is that in what way they can find a fund when they have been judged to be responsible for paying reparations.

Recently, the amount of reparations claimed by the plaintiff has been increasing, sometimes the decision indicated payment of over one hundred million yen. However, the maximum amount of money paid by Japan School Safety Association as a present of sympathy is 15 million yen, therefore, there is a great difference between this amount and the amount of reparations claimed for payment.

A great question is that by what means such difference can be made up.

There is a limit in the ability of fulfillment of responsibility for payment of reparations by the use of the public institutions, therefore, in order to fill up a gap, no means can be found other than using various kinds of reparations insurances of civil insurance firms.

In the case of using such insurance firms, a question arises as to in what way installments can be found.

In large-scale schools, the amount of installments becomes enormous; to make

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judgement as to whether such insurance investment is proper or not for reparations responsibilities the occurrence of which is not certain involves a difficult question.

In the case of grave accidents, it is usual that grave questions are likely to be brought about.

Administrators of schools should make a great effort in order to encounter reparations while finding measures to prevent occurrence of accidents.