



NOVEMBER 2022 EXAMINATION SESSION
TUESDAY 15TH NOVEMBER 2022 – MORNING

LEGAL PRINCIPLES IN SHIPPING BUSINESS

Time allowed – three hours

Answer any FIVE questions – all questions carry equal marks

Please read the questions carefully before answering

1. Answer **ALL** parts of the question.

Discuss the following International Conventions and Regulations:

- a) The International Management Code for Safe Operation of Ships and for the Pollution Prevention (I.S.M.) Code;
- b) Port State Control;
- c) International Convention for Unification of Certain Rules Relating to the Arrest of Seagoing Vessels, 1952.

2. Answer **ALL** parts of the question.

With respect to Bills of lading issued within the context of carriage of goods, discuss the following:

- a) Clean Bill of Lading
- b) House Bill of Lading
- c) Seaway Bill of Lading

3. Answer **ALL** parts of the question.

With respect of Carriage of Goods at sea, discuss:

- a) Shipowner's possessory Lien;
- b) Notice of Readiness in context of voyage charter parties;
- c) Anti-technicality Clause in the context of time charter party.

4. Discuss the advantages and disadvantages of Alternative Dispute Resolution, in particular, mediation and arbitration as compared to adjudication before the High Court in London in maritime cases.

PLEASE TURN OVER

5. Answer **ALL** parts of the question.

In the context of law of Tort, discuss the following:

- a) Strict liability;
- b) Contributory Negligence;
- c) Proximate Cause.

6. An agent at a port was instructed by the Master to procure supplies for a vessel at a competitive price. Later, the supplies were loaded onto the vessel at the port, and invoices were sent to the Master. The agent has not been paid the sum against the invoice. The agent is chasing the ship owning company for many months. The ship owners are arguing that their shore office must approve any invoices before any supplies could have been considered for the vessel. Further the ship owner raised the issue of an excessive amount in the invoices.

Discuss various legal issues involved in the scenario.

7. A vessel was chartered for a Time charter trip pursuant to NYPE terms, whose Recap stated, "*1 tct via sp(s) sb(s) sa(s) ... via Thailand to Nigeria with cargo of rice bags...*" While loading a cargo of rice bags, two cranes out of the four cranes were not working for 20 hours, and time charterers have alleged that they have lost time due to it. At a discharge port in Nigeria, the vessel went aground at berth and suffered hull damage. Additionally, vessel was delayed during discharging at Lagos port and as a result the time charterers delivered the vessel 10 days late as compared to the stipulated time in the charterparty.

Advise the ship owners as to various legal issues and remedies available under English Law.

8. A vessel en route from London to New York experienced heavy weather, during which two of the cranes were totally lost. Thereafter, the vessel started to list heavily to starboard. The Master decided to jettison some cargo overboard to complete the voyage. Discuss the legal issues and liabilities of the Owners, the time charterers and the cargo owners in relation to the above losses. Assume York Antwerp Rules 1994 are applicable to the issues.