



ICS Examiner's Report

Shipping Law 2012

Overall Comments

Some of the answers presented were too general with no case laws being used in the discussions. These scripts did not demonstrate a clear understanding of the law taken up for discussion. This could be down to the fact that not many students had taken advantage of the tutorship system, and this appears to be a recurring problem. Questions 5 and 6 were the most popular ones, with 36 students answering question 5 and 37 students answering question 6. The least popular one was question 7 with only 12 choosing to answer, followed by question 2 with 15 choosing to answer.

Question One

Question relating to the defences available under the collision regulation: This question was the third least popular question, with most students passing. Students who failed to answer this question did not demonstrate a clear understanding of the law. Here, the candidates were expected to be familiar with the defences available under collision regulations. They were to carry out a detailed discussion on the defences of 'inevitable accident' and 'agony of the moment' available under collision regulations in the event of a collision. Students are expected to be aware that most maritime liabilities arise out of some form of negligence and most cause of action would be covered under the tort of negligence. Those who fared above average had presented a good answer, using case laws in their discussions to demonstrate a good understanding of the law. The performance of the candidates on this question could be summarised as being above average.

Question Two

Question relating to - a) element of danger in the assessment of salvage claim, and b) merits and demerits of 'single/one ship' company: The second least popular question with most students passing. Here, the candidates were expected to be familiar with (a) the element of danger in salvage laws, and (b) the practice of 'single/one ship' companies in shipping business. The candidates were to carry out a detailed discussion on (a) the key element of danger in salvage laws and when it is no longer sufficient, and (b) discuss the merits and demerits of the practice of 'single/one ship' companies in shipping business. The performance of the candidates on this question could be summarised as being above average.

Question Three

Question on Admiralty court procedure particularly focusing on the powers of arrest: This question was attempted by 20 candidates. The candidates were expected to present a detailed discussion on the Admiralty Court procedure in the UK and the 1982 Arrest Convention, for the purposes of enforcing a maritime claim, with the discussion focusing on the procedure laid down under the UK Supreme Court Act 1981. The performance of the candidates on this question could be summarised as being good.

Question Four

Time Charterparty Problem Question: A total of 30 candidates attempted the question. Here, the candidates were expected to be familiar with the legal principles relating to time charter party operations, non-payment of hire, sub-chartering, etc. They were to study the scenario presented, carry out a detailed discussion of the case in hand, the applicable law, the remedies open to the shipowner in the given circumstances with clear and convincing legal arguments. Those candidates who scored 60% or over had used relevant case laws in the discussion, and also clearly identified and analysed the legal issues. The performance of the candidates on this question could be summarised as being very satisfactory.

Question Five

Question relating to – a) laytime calculation in berth and port charterparty, and b) laytime and NOR: The second most popular question with a total of 36 candidates attempting to answer. The candidates were expected to be familiar with the concept of **a)** lay time and **b)** notice of readiness (NOR) in voyage charter operations. They were also to carry out a detailed discussion on **a)** lay time – when laytime is triggered off, when it starts running, etc **b)** notice of readiness (NOR) – what is an NOR, and what are the implications of an invalid notice of readiness? The performance of the candidates on this question could be summarised as being good.

Question Six

Question on functions of the bill of lading: This was the most popular question, with a total of 37 candidates attempting to answer the question. The candidates were expected to be familiar with the important functions of a bill of lading in sea transport and its major functions. The candidates were to carry out a detailed discussion on the three important functions of the bill of lading, namely, that of **i.** being a receipt for the goods received, **ii.** being the best evidence of contract of carriage, and **iii.** that of being a document of title for the goods carried on board the vessel. The overall performance of the candidates could be summarised as being above average.

Question Seven

Question on the right to limit liability under the 1956 and 1976 Conventions: With only 12 candidates attempting to answer the question, it was the least popular question. The candidates were expected to be familiar with the concept of 'Limitations of Liability' and the 1956 and 1976 Limitation Conventions. The candidates were to carry out a detailed discussion on the two limitation conventions of 1957 and 1976, and the discussions were to particularly focus on the conduct that would bar limitation under both Limitation Conventions. Those who fared above average had presented a good answer, using relevant case laws in their discussions demonstrating a good understanding of the law. The overall performance of the candidates could be summarised as being good.

Question Eight

Question on Salvage Convention 1989: It was the fourth most popular question with a total of 27 candidates attempting to answer the question. The candidates were expected to be familiar with the Convention of 1989 and the reasons for the introduction of provisions aimed at protecting the environment. The candidates were to carry out a detailed discussion on the provisions of the 1989 Salvage Convention with particular emphasis on Articles 13 and 14 which encourage salvors to engage in saving or minimising the damage done to environment and seek an up-lift on their salvage remuneration. Of the 27 candidates taking the question, most passed. Those who fared above average had demonstrated a clear understanding of the position of law, using case laws in their discussions. The overall performance of the candidates could be summarised as being good.