



THURSDAY 24TH NOVEMBER 2016 – AFTERNOON

SHIPPING LAW

Time allowed – three hours

Answer any FIVE questions – all questions carry equal marks

Please read the questions carefully before answering

1. Answer **BOTH** parts of the question.
Discuss using examples of the relevant case law.
 - a) What defines an arrived ship in relation to port and berth charter parties?
 - b) How do damages for detention differ from demurrage and the circumstances in which damages for detention can be claimed by a shipowner?

2. Discuss the main functions of a bill of lading using examples of the relevant case law to support your answer.

3. A vessel while on a time charter suffered engine problems. It was anchored in sheltered waters off the coast of Somalia to undertake repairs. Whilst there, the vessel was hijacked by pirates. The owners paid the pirates the ransom and the vessel proceeded to the discharge port. The vessel arrived at the discharge port 20 days behind schedule. The charterers do not wish to pay the owners any hire during the various delays. Please advise the charterers.

4. Does the inclusion of a Himalaya Clause into the bill of lading contract extend the defences that are available to the carrier to other parties? Use examples of relevant case law to support your answer.

PLEASE TURN OVER

5. A vessel on a voyage charter carries fuel oil. The charter party contained a cargo retention clause and a pumping warranty, which required the vessel to discharge its entire cargo within 24 hours. The charterers ordered the vessel to wait outside the port of discharge for a week while they resolved their Letter of Credit problems.

Subsequently, the vessel was allowed to enter the port and the discharge of the cargo lasted 48 hours. Following discharge, a shortage of cargo was found and the sailing of the vessel was delayed as a result of the attendance on board of various surveyors who wished to investigate the cause of the cargo shortage.

Advise the owners as to their rights and remedies.

6. Explain the English Admiralty Court procedure and practice for obtaining a freezing injunction. Use examples of relevant case law to support your answer.
7. Discuss the legal principles and circumstances which courts take into account in deciding whether or not a port is a safe port.
8. Both the common law and the Hague-Visby rules require a shipowner to make the vessel seaworthy. Compare and contrast seaworthiness under common law and the Hague-Visby rules. Use examples to support your answer.