



POSTPONED MAY 2020 EXAMINATION SESSION

THURSDAY 9TH JULY 2020 – AFTERNOON

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. Discuss the advantages and disadvantages of arbitration, outside the Court system.

2. Discuss and analyse the tort of negligence in the Law of Torts.
Use case law examples to support your answer.

3. Fully explain what you understand by **ALL** of the following;
 - a) An action in rem
 - b) Ratio decidendi and obiter dictum
 - c) An 'innominate term'.

4. Discuss, giving appropriate examples, **ALL** of the following:
 - a) ratification
 - b) ostensible authority
 - c) warranty of authority, in the law of agency.

5. A shipper enters into a contract with a carrier for the carriage of his goods from London to Piraeus. A bill of lading is issued to the shipper in London. After loading the goods, the shipper sells the goods to another party, by endorsing the bill of lading accordingly. Although not mentioned in the bill of lading, the goods were actually carried on the ship's deck, and on her way to Piraeus the ship encountered heavy weather and some of the goods suffered damage.

Discuss and consider the position of the three parties with respect to the Hague-Visby Rules.

PLEASE TURN OVER

6. Explain and discuss deviation under Common Law and the Hague-Visby Rules.

7. A ship laden with cargoes is grounded and her Master in order to get the ship off the rocks, jettisons some of the cargo. Eventually, the ship is freed and using her own power enters a nearby port to effect necessary repairs. The ship's Master declares general average, and ship and cargo leave port a few days later. Before arriving at the next port, the ship encounters heavy seas and sinks.

On the above facts, discuss whether a claim of general average can be established by the parties.

8. Discuss the withdrawal of a ship from a time charter-party, and the so-called 'anti-technicality clause'.