

LEGAL PRINCIPLES IN SHIPPING

MAM002

COURSE DESCRIPTION

This course presents the legal principles affecting shipping business. English law is the most widely used law in shipping business. Nearly all practical documents of an international nature involved with shipping business are based on English Law, therefore students must thoroughly understand concepts of common law, case law and precedent and how these contrast with statute law (knowledge of specific national statutes is not required).

COURSE GOAL

To enhance the participants' knowledge, skills and abilities necessary to have a general understanding of the principles of the law relating to matters frequently encountered in shipping business.

COURSE OBJECTIVES

By the end of the course, participants will be able to:

- Understand concepts of common law, case law and precedent and how these contrast with statute law.
- Understand statutes of limitations, time bars, and their impact in shipping business.
- Understand the role of arbitration in dispute resolution.
- Understand different services provided by maritime arbitrators including short form arbitration and mediation.
- Understand the principles of the law of contract especially the essential ingredients of offer, acceptance, consideration and legality.
- Understand general principles of law of agency and how an agency may be created.
- Understand the precise nature of tort.
- Be aware of the differences between libel and slander.
- Understand the need for an internationally agreed framework of law governing carriage of goods by sea.
- Understand the role and functions of bills of lading.
- Understand the precise nature of General Average and the particular circumstances leading to the declaration of General Average.
- Understand that international maritime conventions have a major impact upon day-to-day shipping business.
- Be aware of the SOLAS, MARPOL, and STCW.
- Be aware of the Port State Control Convention.

WHO SHOULD ATTEND

Individuals who wish to carry out a career in Shipping Law, or wish to increase their knowledge of the area.

COURSE DURATION

5 Working Days

COURSE OUTLINES

1. General Principles

- English Law as the Most Widely Used Law in Shipping Business.
- Common Law, Case Law and Precedent and How these Contrast with Statute Law
- Limitations and Time Bars and their Impact in Shipping Business.
- Civil and Criminal Courts and of their Structure, Methods of Appeal and Choice of Forum.
- The Role of Arbitration in Dispute Resolution.
- Different Services Provided by Maritime Arbitrators Including Short Form Arbitration and Mediation.
- The Main Arbitration Centers and their Respective Maritime Arbitration Associations.
- Advantages and Disadvantages of Arbitration.
- European Law and the Potential for Conflict with National Law.

2. Contract

- The Essential Ingredients of Offer, Acceptance, Consideration and Legality.
- How and when a Contract Comes into Existence.
- How a Contract may be Broken and the Circumstances under Which it may be Voided
- How Losses may be Recovered.

3. Agency

- Law of Agency.
- General Agency, Specific Agency and Agents of Necessity.
- Duties and Rights of an Agent or Broker.
- The Two Different Forms of Authority.
- Responsibilities of the Principal to the Agent.
- Agent's Right to Remuneration and the Procedures Available to Ensure Payment.
- Authority of an Agent in Concluding Contracts with 3rd Parties on Behalf of the Principal.
- Procedures for Terminating an Agency.

4. Tort

- Nature of Tort.
- Tort of Conversion.
- Libel and Slander.

5. Law of Carriage

- Internationally Agreed Framework of Law Governing Carriage of Goods by Sea.
- Private Carriage and Common Carriage.
- Importance of 'Time' in Charters Particularly Including the 'Arrived Ship' and Lay-time.
- The Role and Functions of Bills of Lading.
- Principal Customary Clauses in Bills of Lading.
- The Role and Function of International Conventions Relating to Cargo Liability.
- The Principle Liabilities and Exclusion of Liability.

6. General Average

- Nature of General Average.
- The Way all Parties Involved are Obligated to Contribute to Losses Suffered by any of the Parties.

7. International Conventions

- How International Conventions are Agreed and the Process of Ratification.
- International Maritime Conventions and the Day-To-Day Shipping Business.

8. SOLAS

- Safety Construction
- Fire Protection and Prevention
- Safety Equipment and Life-Saving Appliances
- Radio Communication
- Safety of Navigation
- Carriage of Dangerous Goods (IMDG Code)
- Safety Management (ISM Code)
- International Ship and Port Facilities Security (ISPS) Code

9. MARPOL

- Prevention of Operational Pollution.
- Prevention of Oil Cargo Pollution
- Limitation of Pollution Following an Incident

10. STCW

- Standards of Training, Certification and Watchkeeping

11. Port State Control Convention

- International Convention of Arrest of Sea-going Vessels

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