

SYLLABUS

MODULE 1

Introduction

Introduction to Maritime Law

The course starts with the maritime law definition and an introduction which explains the wide scope of maritime law, which is then expanded in the later modules. It considers the body of law governing marine commerce and navigation, the carriage at sea of goods, and marine affairs in general; the rules governing contract, tort, and workers' compensation claims or relating to commerce on or over water.

Learning Outcomes:

- Discuss and identify the main concepts of maritime law.
- Identify the main legal framework governing maritime commerce and affairs.
- Demonstrate knowledge of the relevant contract and tort law principles applicable to maritime commerce and affairs.
- Demonstrate knowledge of how contracts are entered into and the rights and duties of agents and brokers.
- Discuss and identify the rules governing workers' compensation claims and jurisdiction.

Indicative Structure:

- History of Maritime Law
- Legal Concepts
 - Contracts
 - Tort
 - Liability
 - Responsibilities
- Maritime Law
- Admiralty Law
- Jurisdiction
- Application of English Law
- International and National Interests in Maritime Law
- The Flag State vs The Port State
- Class vs Customer 'Vetting'
- Limitation of Liability
- Vessel Ownership and Operation
 - Regulation
 - Classification
 - Finance / Mortgages
 - Registration
 - Shipowner Obligations

- Chartering
- Carriage of Goods by Sea
- Ship and Port Agents
- Ship and Crew Management
- Pilotage and Towage
- Collision and Salvage
- Health and Safety
- Pollution
- Example Issues, Disputes and Remedies

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MODULE 2

International

International Conventions, Regulation and Compliance

Module two explores the key conventions and regulations that impact on the operation of the maritime industry, how they are set and how compliance is achieved.

Learning Outcomes:

- Discuss and identify the key conventions and regulations applicable in the maritime industry.
- Demonstrate knowledge and understanding of the implications of the key conventions.
- Discuss and identify the remedies for non-compliance.

Indicative Structure:

- International
 - United Nations Convention on the Law of the Sea (UNCLOS)
 - International Maritime Organization (IMO)
 - International Labour Organization (ILO)
- Regional
 - European Union (EU)
- National
- Key Conventions and Regulation
 - STCW
 - SOLAS
 - MARPOL
 - Tonnage / Load Lines
 - COLREGS
 - Ballast Water
 - Others
- International Codes of Practices
- Enforcement

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MODULE 3

Charterparties

The module explores the two main forms of charterparty, namely voyage and time charterparties, entered into between a shipowner and a "charterer". It discusses the rights and responsibilities of shipowners and charterers, and how any subsequent dispute between them are settled in the courts of law or other forum (e.g. arbitration).

Learning Outcomes:

- Discuss and identify main forms of charterparty and the key provisions contained in such contracts.
- Discuss how the sea carriage risks are allocated between shipowners and charterers under charterparties.
- Demonstrate knowledge and understanding some of the key issues in time and voyage charterparties.

Indicative Structure:

- Introduction to Chartering
- Types of Charterparties
 - Voyage
 - Time
- The Fixing of Ships for Charter
- Charterparties
- Rights and Obligations
- Implied Common Law Rules Applicable to Charterparties
- Selected Issues in Voyage Charterparties
 - Freight
 - Lien
 - Laytime
 - Demurrage
- Selected Issues in Time Charterparties
 - Speed
 - Consumption
 - Hire
 - Off-Hire Clauses
 - Employment/Indemnity
- Example Issues, Disputes and Remedies

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MODULE 4

The Carriage of Goods under Bills of Lading

Module four focuses on the Law of Carriage of Goods by Sea under Bills of Lading and other types of transport documents (such as seaway bills and ship's delivery orders). This is the body of law that governs the rights and duties of shippers, carriers, and consignees of marine cargo.

Learning Outcomes:

- Discuss and identify the rights and obligations arising from contracts of carriage contained in or evidenced by Bills of Lading (and other similar types of transport documents).
- Discuss and identify the legal functions of Bills of Lading and other similar types of transport documents.
- Demonstrate knowledge of standard form transport documents widely used in the shipping industry.

Indicative Structure:

- Contracts of Carriage
- Bills of Lading (their Main Functions)
- International Conventions Governing Bills of Lading and Similar Documents of Title
 - Hague Rules
 - Hague-Visby Rules
- Standard Terms in Bills of Lading and in other Transport Documents
- Cargo Claims
- Example Issues, Disputes and Remedies

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MODULE 5

Admiralty Law

This module covers the key aspects of Admiralty Law and the rules governing ownership, possession, and physical operation of commercial ships along with workers'-compensation claims arising out of commerce on or over navigable water. It also deals with the rules of jurisdiction and how the courts exercise jurisdiction over all maritime contracts, torts, injuries, or offences.

Learning Outcomes:

- Discuss and identify the key aspects of Admiralty Law.
- Demonstrate knowledge and understanding of the rules governing workers' compensation claims.
- Discuss and identify the rules of jurisdiction and how the courts establish their jurisdiction to rule on maritime disputes.

Indicative Structure:

- Admiralty Law and Practice
- Legal principles Governing Ownership and
- Registration
- Legal issues arising
 - Towage
 - Salvage
 - Collisions
 - Stranding
 - Arrest
- Admiralty Jurisdiction
- The Admiralty Marshall
- Limitation of Liability in Maritime Claims
 - Example Issues, Disputes and Remedies

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MODULE 6

Ship and Crew Management

Owners can either operate their ships themselves or engage independent third-party managers. Whoever undertakes this role has a wide range of policies to address, which are explored into this module.

Learning Outcomes:

- Discuss and identify the key regulations and policies on ship and crew management.
- Demonstrate knowledge and understanding of compliance and ethics.
- Evaluate the risks in crew and ship management.

Indicative Structure:

- Ship Management
- Crew Management
 - MLC 2006
 - Employment Law
 - Recruitment and Placement Services
 - Employment Terms / Agreements
- Compliance and Ethics
 - Money Laundering
 - Competition Law
 - Data Security
 - Modern Slavery
 - Sanctions
 - Social Responsibility
- Data Protection
- Health, Safety and Environment
- Modern Slavery Statement
- Supplier Code of Conduct
- Terms & Conditions
- Example Issues, Disputes and Remedies

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MODULE 7

Marine Insurance

This module deals with the key aspects of marine insurance, covering in particular hull and machinery policies, the governing legislation (the Marine Insurance Act and the Insurance Act), broking and underwriting, claims handling and subrogation.

Learning Outcomes:

- Discuss and identify the key aspects of marine insurance.
- Evaluate the implications of the standard form hull and machinery policies and the relevant marine insurance policies on insurance claims.
- Demonstrate knowledge of brokering, underwriting and subrogation.

Indicative Structure:

- Types of Marine Insurance
 - Damage: Hull and Machinery
 - Liability: Protection and Indemnity (P&I) Insurance
- Loss of Hire
- Crew Medical and Personal Accident
- Defence
- The Marine Insurance Act and The Insurance Act
- The Marine Insurance Contract
 - Terms of the Contract
- Broking and Underwriting
- Claims
 - Personal Injury
 - Passenger
 - Employers Liability
 - Claims Procedures
- Subrogation
- Example Issues, Disputes and Remedies

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MODULE 8

Ship Construction, Sale and Purchase, Repair and Ship Recycling

When ships are built, purchased second-hand, sold, repaired and eventually scrapped and recycled, there are a myriad of legal issues. This module considers these, along with the legal contracts that are used.

Learning Outcomes:

- Discuss and identify the standard form contracts used for shipbuilding and ship repair contracts.
- Discuss and identify the standard form contracts used for ship sale/purchase contracts.
- Demonstrate knowledge of the parties' rights and obligations arising from ship sale/purchase and shipbuilding contracts.
- Discuss the legal issues arising from ship recycling.

Indicative Structure:

- Ship Building and Repair
 - Standard Forms Used
 - Rights and Liabilities under the Contracts
 - Selected Issues in Ship Building and Repair
- Ship Sale/Purchase
 - Standard Forms Used
 - Rights and Liabilities under the Contracts
 - Selected issues in Ship Sale/Purchase
- Ship Scrapping and Recycling
 - Standard Forms Used
 - Rights and Liabilities under the Contracts
 - Selected Issues in Ship Recycling
 - Example Issues, Disputes and Remedies

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MODULE 9

Maritime Fraud

The module considers the legal use of how the maritime industry seeks to combat all forms of commercial crime, including commercial crime; fraud in international trade, insurance fraud, financial instrument fraud, money laundering, shipping fraud and product counterfeiting.

Learning Outcomes:

- Discuss and identify the different forms of maritime fraud and crime.
- Discuss and identify the relevant rules and policies against maritime fraud and crime.
- Demonstrate knowledge of legal consequences arising from maritime fraud and crime.

Indicative Structure:

- Different Forms of Maritime Fraud and Crime
- Maritime Fraud and Marine Insurance
- Maritime Fraud and Technology
- Maritime Fraud and Sea Carriers
- Example Issues, Disputes and Remedies

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MODULE 10

Litigation, Arbitration and Mediation

This module considers all key forms of dispute resolution for maritime disputes. It discusses the key features litigation, arbitration and mediation, and the relevant legal framework

Learning Outcomes:

- Evaluate what form of dispute resolution is appropriate for a particular maritime dispute.
- Demonstrate knowledge of the legal framework of international maritime arbitration and the role of the London Maritime Arbitrators' Association in maritime dispute resolution.
- Discuss and identify the legal framework applicable to litigation, arbitration and mediation.
- Demonstrate knowledge of the rules for ascertaining the competent forum for dispute resolution.

Indicative Structure:

- Litigation
 - Advantages/Disadvantages
 - The Legal Framework (Rules)
- Arbitration
 - Advantages/Disadvantages
 - The Legal Framework
- Mediation
 - Advantages/Disadvantages
 - The Legal Framework
- Conflict of Laws and Jurisdiction
 - Example Issues (Forum Shopping), Disputes and Remedies

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CASE STUDY

Maritime Law

Localised(values={})

Case Study

The Case study integrates learning from across the course and applies it to a relevant situation. Learning Outcomes: Integrate learning from across the course to a topical case study situation. Identify, consider and discuss requirements, legal and business logic, and solutions to a specific requirement. Produce a detailed and well-structured written business report. Indicative Structure: Discussion about the Facts of the Case Discussion on the Legal Issues Arising from the Case Discussion on the Possible Application of the Relevant Legal Issues