



INSTITUTE OF
CHARTERED
SHIPBROKERS

MAY 2024 EXAMINATION SESSION
THURSDAY 23rd MAY 2024 – AFTERNOON

SHIPPING LAW

Time allowed – three hours

Answer any FIVE questions – all questions carry equal marks

Please read the questions carefully before answering

1. Discuss the shipowners' rights and immunities under Article IV Rule 2 of the Hague-Visby Rules, with reference to statute and case law.
2. The vessel EASTERN STAR was dry docked in early 2023 at CARIBBDOCKS in The Bahamas, for four weeks to undergo emergency repairs. The crew of the vessel EASTERN STAR was repatriated at the time of drydocking but have not been paid wages for 4 months. The drydocking company CARIBBDOCKS have not been paid for the repairs carried out. Both the crew and CARIBBDOCKS want to sue the shipowners for the unpaid bills. SALVE-MARINE a salvage company that rendered services to the EASTERN STAR a year ago are also keen to pursue legal action for their dues.

The EASTERN STAR's sister ship RISING STAR is to call into a UK port shortly. The crew, CARIBBDOCKS, and SALVE-MARINE would like to know if it will be possible to arrest the RISING STAR before the UK Admiralty court for their outstanding debts against the EASTERN STAR, and where their claims are ranked. Discuss critically with suitable case law reference.

3. A vessel while on a time charter suffered engine problems and was anchored off the coast of Somalia to undertake repairs. While the vessel was being attended to, hostilities broke out between pirates and government forces, and progress on the repairs was delayed. Eventually the vessel arrived at the discharge port 60 days behind schedule. The charterers do not wish to pay the owners any hire charges for the period covering the various delays – particularly the period when the vessel was delayed due to hostilities between the pirates and government forces. Advise the charterers.

PLEASE TURN OVER

4. Answer **BOTH** parts of the question.
 - a) **Compare and contrast the Shipowners' duty to provide a seaworthy vessel under the common law and the Hague-Visby rules.**
 - b) **What consequences are there for a ship-owner under the Hague-Visby rules if he fails to provide a seaworthy ship and there is damage due to an accidental fire?**
5. Discuss critically the function and purpose of MARPOL with reference to the other pollution conventions.
6. The Athens Convention (Merchant Shipping Act 1995) has a significant impact on passenger claims. Discuss **the carrier's right to limit liability under the convention.**
7. Answer **BOTH** parts of the question.

Discuss with suitable case law reference:

- a) What is necessary in the case of a berth charterparty and a port charterparty in order for laytime to commence?
 - b) In what circumstances may laytime start to run even when the NOR is invalid when tendered?
8. **Discuss the salvor's entitlement to reward under Article 14 of the Salvage Convention 1989 and their level of remuneration in comparison with a reward under Article 13. Use examples to support your answer.**