

SHIPPING AND TRANSPORT

Canada:

Criminalisation of seafarers? Sinking of the Queen of the North

Authors: M Clete Purcell, Shelley Chapelski

March 16 2011

(Source: International Law office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F4PLRY>)

Fourth Officer Karl Lilgert pleaded not guilty to charges of criminal negligence causing death in connection with the 2006 sinking of the passenger ferry the Queen of the North. The criminal justice branch of the British Columbia Ministry of the Attorney General appears to have concluded that the available evidence does not support the charging of any officer or crewmember other than Lilgert with respect to the sinking.

Malaysia:

Foreign crew: recognition of competency certificates

Author: Rajasingam Gothandapani

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SHZN>)

As a matter of policy, Malaysian flagged vessels plying their trade within Malaysian waters are encouraged to employ local crew. However, merchant shipping laws do not prohibit the use of foreign crew on board a Malaysian flagged vessel working in foreign waters. Part III of the 1952 Merchant Shipping Ordinance governs the merchant shipping requirements in respect of rules relating to the qualifications of officers and crew.

Proposed Arbitration Act amendments on ship arrest

Author: Rajasingam Gothandapani

March 16 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F4PLSU>)

A new bill seeks to amend Proposed Arbitration Act to empower a Malaysian court that exercises admiralty jurisdiction to order the retention of vessels or the provision of security pending the determination of arbitration proceedings related to admiralty disputes.

New Zealand:

Caveator beware: abuse of process in admiralty proceedings

Author: Felicity Monteiro

March 16 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F4PLTC>)

The High Court recently found that a caveat against the release of a vessel was unfounded and an abuse of process. The decision as a whole is a salient reminder of the consequences of abusing the admiralty jurisdiction and of the dangers of acting for more than one party wishing to obtain recovery from a vessel.

Belgium:

Supreme Court: liability of CMR carrier towards insured claimant

Authors: Dirk Noels, Pieter Neels

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SHWK>)

The Supreme Court has considered the position of an insured cargo claimant and its insurer towards a road carrier under the Convention on Contracts for the International Carriage of Goods by Road. The question was whether an indemnified cargo claimant can sue the carrier if the insured is subrogated to the rights of the assured and brings suit against the carrier for recovery of its outlay.

An Insider's Guide to Ship's Hull and Machinery

A few weeks into a start in P&I produced scores of survey reports to read, sometimes containing rather mysterious terms. Pintle was one we remember and Sheerstrake another. It will not only be tyro claims handlers who will be grateful for this new guide to the technical aspects of marine hull and machinery insurance produced by BMT Marine & Offshore Surveys Ltd, a member of BMT Group Ltd.

"Marine survey reports frequently contain engineering terminology which can be unfamiliar to the non-engineers in the wider spectrum of the shipping industry," says the lead author, Dinos Levantis. "In an attempt to bridge this gap we have produced this guide, which covers some of the common terminology often encountered in survey reports for ships, their engines and their

operations”.

Brazil:

ANTAQ approves lease programmes elaboration proposal

Author: Godofredo Mendes Vianna

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SHYE>)

The National Agency for Waterway Transportation (ANTAQ) recently published Resolution 1888, which proposes that guidelines be established for the development, structure and presentation form for port areas and facilities lease programmes. The proposal includes provisions for elaborating a lease programme and information on the development of lease programmes.

Malta:

Courts award record level of damages in Aframax tanker case

Author: Ann Fenech

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SJ0W>)

In 2010 the Maltese courts issued their highest-ever damages award in a case involving a failure to transfer shares in a company that was the owner of a new Aframax tanker. An Italian company filed an action against a Monegasque company for breach of a promise to sell shares in a Maltese registered company which had been formed for the purposes of entering into a shipbuilding contract.

Norway:

Owners' privity and unseaworthiness revisited

Authors: Oddbjørn Slinning, Trond Eilertsen

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SJ24>)

The Court of Appeal recently overturned a first instance judgment for owners' liability for cargo damage, in a case regarding the grounding of a general cargo ship off Orkney in January 2007. The appeal court decided in favour of the vessel's owners, judging that they had taken reasonable precautions to ensure the safety of the vessel and its cargo. The cargo interests have appealed the decision.

Japan's Earthquake:

March 11th, 2011

(Source: <http://www.fobnetworking.com/>)

(Visit website: <http://mashable.com/2011/03/11/japan-earthquake-youtube-ideos/#FZnfuxRI3F0>)

As soon as the Japan's Earthquake happened, many videos appeared in the internet and the BBC World Service ran an earthquake special all day. In transport and shipping terms, Japan Inc. has simply shut down for the day. Within hours, some port buildings and a refinery were on fire in Tokyo, Sendai was badly affected and numerous marine and aviation losses might well be expected.

For some instant videos about being in a large urban conurbation close to a major seismological event.

Freak Waves:

(Source: <http://www.awtworldwide.com>)

Freak Waves have been determined to occur primarily during weather patterns where heavy WSW-SW winds, seas and swells impact the South African coastal waters.

Due to Freak Wave Conditions, AWT Route Analysts have a number of routing options to assist the Master of a vessel in safely transiting these waters.

A route for non-tanker vessel remains "shoreward of the 100 fathom line between Durban and Cape St. Francis. And a route for tanker is passing south of the Agulhas current core.

In anyway, the waters off South Africa to be the 'King of the Freak Waves' and precautions must be taken when sailing these regions.

AVIATION

Canada:

Aircraft lasering continues to attract soft sanction

Author: Carlos P Martins

March 16 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F4PLLD>)

In 2010, 209 incidents were recorded in which ground-based lasers were pointed at aircraft, thereby disrupting flight. Many of these incidents affected commercial and air ambulance operations. This figure is an 88% increase on the 2009 reports. Some may argue that the courts have been unduly lenient towards offenders - and this trend continues, as evidenced in a recent Alberta decision.

Italy:

Non-EU carriers: new rules on changes to scheduled flights

Authors: Laura Pierallini, Gianluigi Ascenzi

March 09 2011

(Source: International Law Office)

(Read article: <http://www.internationallawoffice.com/?i=55592&l=7F3SHLS>)

New procedures are in force for non-EU air carriers with permission to operate scheduled services to and from Italy. The procedures apply when an operator wishes to change planned flight operations and schedules that have previously been authorised by ENAC, the Italian civil aviation authority. Among other things, they affect certain rerouting, additional flights and replacement aircraft.