

ONLINE TRAINING ON SHIPPING LAW

TOPIC 1 OVERVIEW OF SHIPPING INDUSTRY AND MARKET IN VIETNAM

(WHO ARE KEY PLAYERS?)

I. Updates and Developments

Describe any current trends or likely future developments that may be of interest

1. The trend of the use of E-bill of lading instead of traditional Bill of Lading
2. The trend of operating the autonomous vessel in the 21st century.

II. Recommended Reading Text(s)

1. Aristotelis Komianos, “*Towards the Autonomous Ship: Operational, Regulatory, Quality Challenges*”
2. Faber, D, ‘Electronic bills of lading’ (1996) LMCLQ 232.
3. Nick Lambert, Jonathan Turner, Andy Hamflett, “*Technology and the Blue Economy: From Autonomous Shipping to Big Data*” (1st Edition)
4. Richard Aikens, Richard Lord, and Michael Bools, *Bills of Lading (2015)*, (2nd Edn, Informa)
5. R. Veal and M. Tsimplis “The integration of unmanned ships into *lex maritima*” [2017] LMCLQ 303.
6. A. Serdy, M. Tsimplis, R. Veal et al., *Liability for Operation in Unmanned Maritime Vehicles with Differing Levels of Autonomy*.

TOPIC 2 ADMIRALTY LAW AND PRACTICE

(JURISDICTION IN PERSONAM AND IN REM, MARITIME CLAIMS/LIENS AND SHIP ARREST)

I. Questions

1. Arrest and Security

- a. What type of claims which permit the arrest of the ship (action in rem)?
- b. What are the options available to a party seeking to obtain security for a maritime claim against a vessel owner and the applicable procedure?
- c. Is it possible for a bunker supplier (whether physical and/or contractual) to arrest a vessel for a claim relating to bunkers supplied by them to that vessel?
- d. Is it possible to arrest a vessel for claims arising from contracts for the sale and purchase of a ship?

- e. Where security is sought from a party other than the vessel owner (or demise charterer) for a maritime claim, including the exercise of liens over cargo, what options are available?
- f. Concerning maritime claims, what form of security is acceptable; for example, bank guarantee, P&I letter of undertaking.
- g. Is it a standard procedure for the court to order the provision of counter security where an arrest is granted?
- h. How are maritime assets preserved during a period of the arrest?

2. Evidence

- a. What steps can be taken (and when) to preserve or obtain access to evidence regarding maritime claims including any available procedures for the preservation of physical evidence, an examination of witnesses, or pre-action disclosure?
- b. What are the general disclosure obligations in court proceedings? What are the disclosure obligations of parties to maritime disputes in court proceedings?
- c. How is the electronic discovery and preservation of evidence dealt with?

3. Procedure

- a. Describe the typical procedure and timescale applicable to maritime claims conducted through: i) national courts (including any specialized maritime or commercial courts); ii) arbitration (including specialist arbitral bodies), and; iii) mediation/alternative dispute resolution.
 - i. Which national courts deal with maritime claims?
 - ii. Which specialist arbitral bodies deal with maritime disputes in your jurisdiction?
 - iii. Which specialist alternation dispute resolution bodies deal with maritime mediation in your jurisdiction?
- b. What are the principal advantages of using the national courts, arbitral institutions, and other ADR bodies in your jurisdiction?
- c. Highlight any notable pros and cons related to your jurisdiction that any potential party should bear in mind.

II. Recommended Reading Text(s)

1. Barnabas W.B. Reynolds and Michael N. Tsimplis, *Shipowners' Limitation of Liability* (Aspen Publishers 2012)
2. B. Eder, "Wrongful arrest for Ships- A time for Change" (2013) 38 Tul. Mar LJ
3. A. Mandaraka- Sheppard, "Wrongful Arrest of Ships: A case for Reform" (2013) 19 JIML 41
4. M.Dvies, "Wrongful Arrest of Ships: A time for Change- A Reply to Sir Bernard Eder" (2013)
5. David C. Jackson, *Enforcement of Maritime Claims* (4th ed, LLP 2005) or subsequent edition
6. Institute of Maritime Law, Southampton on Shipping Law (Informa 2008)
7. James M. Turner and Sarah C. Derrington, *The Law and Practice of Admiralty Matters* (Oxford University Press 2007)
8. Nigel Meeson and John A. Kimbell, *Admiralty Jurisdiction and Practice* (4th ed, Informa 2011) or subsequent edition
9. Simon Baughen, *Shipping Law* (6th ed, Routledge 2015)
10. Patrick Griggs and the others, *Limitation of Liability for Maritime Claims* (4th ed, LLP 2005) or subsequent edition
11. Yvonne Baatz (ed), *Maritime Law* (4th Edition, Informa law from Routledge)

TOPIC 3 MARITIME LAW/ WET SHIPPING

(MARINE COLLISIONS, OIL POLLUTION, SALVAGE, GENERAL AVERAGE, TOWAGE AND PILOTAGE)

I. Question

1. Marine Casualty

1.1. In the event of a collision, grounding, or other major casualty, what are the key provisions that will impact upon the liability and response of interested parties? In particular, the relevant law/conventions in force regarding:

- (i) Collision
- (ii) Pollution
- (iii) Salvage / general average
- (iv) Wreck removal
- (v) Limitation of liability

1.2. Which authority investigates maritime casualties in your jurisdiction?

- 1.3. What are the authorities' powers of investigation/ casualty response in the event of a collision, grounding or other major casualties?

II. Recommended Reading Text(s)

1. Aleka Mandaraka-Sheppard, *Modern Maritime Law* (3rd edn, Informa 2013)
2. Colin De La Rue and Charles B. Anderson, *Shipping and the Environment* (2nd ed, Informa 2009)
3. Francis D. Rose (ed.), *Kennedy and Rose Law of Salvage* (7th ed, Sweet & Maxwell 2010) or subsequent edition
4. J Reeder QC, *Brice on Maritime Law of Salvage* (5th edn, Sweet & Maxwell 2012) and S.Rainey (fn 196)
5. J Gilman et al., *Arnould's Law of Marine Insurance and Average* (18th edn, Sweet & Maxwell 2013)
6. Kennedy, *Law of Salvage*, 15th edn, 1985, London: Stevens, para 339
7. Sarah Dromgoole, *Underwater Cultural Heritage and International Law* (Cambridge University Press 2013)
8. Simon Baughen, *Shipping Law* (6th ed, Routledge 2015)
9. Simon Curtis, *The Law of Shipbuilding Contracts* (4th edn, Informa 2012)
10. Simon Rainey, *The law of tug and tow and offshore contracts* (2nd ed, Informa 2011)
11. S. Gault and S. Hazlewood (Gen Eds), *Marsden and Gault on Collision at Sea* (14th edn, Sweet& Maxwell 2016)
12. S. Dromgoole and C. Forest, "The Nairobi Wreck Removal Convention 2007 and Hazardous Historic Shipwrecks" [2011] LMCLQ 92
13. Shaw, R, 'The 1989 Salvage Convention and English law' (1996) LMCLQ 202, 208.
14. S. Bateman and M. White, "Compulsory Pilotage in the Torres Strait: Overcoming Unacceptable Risk to a Sensitive Marine Environment" (2009) 40(2) *Ocean Development and International Law* 184
15. Yvonne Baatz (ed), *Maritime Law* (4th Edition, Informa law from Routledge).

TOPIC 4 CARRIAGE OF GOODS BY SEA

(B/L, HAGUE-VISBY, HAMBURG AND ROTTERDAM RULES, LIMITATION REGIMES -CARGO CLAIMS)

I. Question

1. Cargo Claims

- 1.1. What are the international conventions and national laws relevant to marine cargo claims?
- 1.2. What are the key principles applicable to cargo claims brought against the carrier?
- 1.3. In what circumstances may the carrier establish claims against the shipper relating to misdeclaration of cargo?
- 1.4. How do time limits operate regarding maritime cargo claims in your jurisdiction?

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- 1.7. In what circumstances may the carrier establish claims against the shipper relating to misdeclaration of cargo?
- 1.8. How do time limits operate regarding maritime cargo claims in your jurisdiction?

II. Recommended Reading Text(s)

1. Bernard Eder [et al.], *Scrutton on Charterparties and Bills of Lading*, (22nd ed, 2011), London: Sweet & Maxwell
2. Baughen, S, 'The legal status of the non-contracting shipper' [[2002] IJSL 21.
3. Baughen, S, 'Defining the ambit of Article III(8) of the Hague Rules: obligations and exceptions clauses' [2003] JIML. 115.
4. Baughen, S and Campbell, N, 'Apportionment of risk and the carriage of dangerous cargo'
5. De Battista, C, 'The Bill of lading as the contract of carriage: a re-assessment of *Leduc v Ward* (1982) 45 MLR 652
6. John J Wilson, *Carriage of Goods by Sea* (7th ed, 2010), England: Person/Longman
7. Gaskell, Asariotis and Baatz, *Bills of Lading: Law and practice*, 2000.
8. Guenter Treitel and F.M.B. Reynolds, *Carver on bills of lading* (3rd ed, 2011),
9. Treitel, G, 'The legal status bills of lading' (2003) 119 LQR 608.
10. London: Sweet & Maxwell
11. Stephen Girvin, *Carriage of Goods by Sea* (2nd 2011), Oxford: Oxford University Press
12. Richard Aikens, Richard Lord, and Michael Bools, *Bills of Lading* (2015), (2nd Edition, Informa)
13. Reynolds, FMB, 'The Carriage of Goods by Sea Act 1992' (1993) LMCLQ 436.
14. Nicholas Gaskell and Regina Asariotis, Yvonne Baatz, (2000) Bills of lading: law and contracts, London: LLP
15. Simon Baughen, *Shipping Law* (6th ed, Routledge 2018)
16. Scrutton, *Charterparties and Bill of lading*, 20th edn, 1996, London; Sweet & Maxwell
17. Yvonne Baatz, *Maritime Law* (informa law from Routledge
18. Wilford, Coghlin and Kimball, *Time Charter*, 5th edn, 2003, London: LLP.

Online Resources

HK Maritime Law website <http://hkmaritimelaw.com>
 Seaview (bilingual journal of the Institute of Seatrtransport, HK)
<http://www.seatrtransport.org/>

TOPIC 5 CHARTERPARTIES

(VOYAGE, TIME, SLOT, BAREBOAT AND HYBRIDS – SHIP CLAIMS)

Recommended Reading Text(s)

1. Julian Cooke et al., *Voyage Charters* (3rd ed, 2007), England: Informa
2. Terence Coghlin et al., *Time Charters* (6th ed, 2008), England: Informa
3. Mark Davis, *Bareboat Charters* (2nd ed, 2005), England: LLP
4. John J Wilson, *Carriage of Goods by Sea* (7th ed, 2010), England: Person/Longman
5. Stephen Girvin, *Carriage of Goods by Sea* (2007), Oxford: Oxford University Press
6. Simon Baughen, *Shipping Law* (5th ed, 2012), England: Routledge
7. Martin Dockray, *Cases & Materials on the Carriage of Goods by Sea* (3rd ed, 2004),
8. England: Cavendish Publishing
9. 28. A D Hughes, *Casebook on Carriage of Goods by Sea* (2nd ed, 1999), London:
10. Blackstone

Online Resources

HK Maritime Law website <http://hkmaritimelaw.com>

Seaview (bilingual journal of the Institute of Seatransport, HK)

<http://www.seatransport.org/>

TOPIC 6 MARINE INSURANCE

(P&I, HULL AND CARGO)

I. Question

- 1.1.If where there was more than one hazard operative at the time of loss, is it necessary to determine which of many operative causes was the actual cause of loss?
- 1.2.If there were two equally effective causes and one was covered under policy and other was not, can the insured cover?
- 1.3.Whether the claimant can sue the P&I Club directly if the members are not able to pay the claim?

II. Recommended Reading Text(s)

1. Arnold-Dwyer, F. 'Taking an Interest in Insurable Interest' [2015] LMCLQ 271-9
2. Birds, J. *et al. MacGillivray on Insurance Law* (13th edn, Sweet &Maxwell 2015).
3. Birds, J. 'Insurable interest- orthodox and unorthodox approaches' JBL 2006, Mar, 224-31
4. Clarke, M. *The Law of Insurance Contracts* (4th edn, Informa updated in 2015).
5. Dunt, J. *Marine Cargo Insurance* (2nd edn, Informa 2015)
6. Edelman, C., Burns, A. *The Law of Reinsurance* (2nd edn, Oxford University Press 2013)
7. Gürse, *Marine Insurance Law* (Routledge 2015)
8. J Gilman et al., *Arnould's Law of Marine Insurance and Average* (18th edn, Sweet & Maxwell 2013)
9. Hazelwool, J.S, and Semark, D., *P&I Clubs: Law and Practice* (4th edn, Informa 2010)

10. Lord Mance et al. (gen.edn), *Insurance Dispute* (3rd edn, Informa 2011)
11. Macdonald, T. ‘The marine insurance contract and assignment under the English Marine Insurance Act’ 1906. *JIML* 2003
12. Martin, F., *History of Lloyd’s and of Marine Insurance in Great Britain*.
13. Meggitt, G. ‘Insurable Interest- the doctrine that would not die’ *Legal Studies*, June 2015 280-301
14. Merkin, *Colinvaux's Law of Insurance* (11th edn, Sweet & Maxwell, 2016),
15. Nicol, C. ‘Insurable interest: as intended?’ *JBL* 2008,5, 432-47
16. Rose, F. *Marine Insurance: Law and Practice* (2nd edn, Informa 2012)
17. Simon Baughen, *Shipping Law* (6th ed, Routledge 2018)
18. Soyer, B. *Marine Insurance Fraud* (Informa 2014)
19. Soyer, B. *Warranties in Marine Insurance*, 2nd edn, Cavendish Publishing 2006.
20. Parks, L., *The Law and Practice of Marine Insurance and Average*, Vol. 1, London 1998,4.
21. Yvonne Baatz (ed), *Maritime Law* (4th Edition, Informa law from Routledge).

TOPIC 7 SHIP FINANCE AND CORPORATE SHIPPING

(SALE AND PURCHASE, SHIPBUILDING, SHIP MORTGAGE, SHIP MANAGEMENT)

Recommended Reading Text(s)

1. C.Hill, *Maritime Law* (6th edn, LLP 2003)
2. F. Paine, *The Finance of Ship Acquisition*, (Fairplay Publications 1989)
3. J.E. Sloggett, *Shipping Finance* (Fairplay Publications 1984);
4. Mandaraka-Sheppard, *Modern Maritime Law volume II: Managing Risks and Liabilities* (3rd edn, Informa Publishing 2013)
5. M.Clarke, *Shipbuilding contracts* (2nd edn, Sweet &Maxwell 1992)
6. S. Curtis, *The Law of Shipbuilding contract* (4th edn. Informa Publishing 2012)
7. Stephenson Harwood (ed.), *Shipping Finance* (3rd edn, Stephenson Harwood 2006)
8. P. Stokes, *Shipping Finance, Credit Expansion and the Boom-Bust Cycle* (2nd edn, LLP Professional Publishing 1997)
9. Yvonne Baatz (ed), *Maritime Law* (4th Edition, Informa law from Routledge)

TOPIC8 CONFLICTS OF LAW, MARITIME ARBITRATION AND ENFORCEMENT ISSUES

Recommended Reading Text(s)

1. A. Briggs, *Civil Jurisdiction and Judgements* (6th edn, Informa 2015)
2. A. Dickinson, “*The Rome II Regulation: The Law Applicable to Non-contractual Obligations* (Oxford University Press 2008).
3. Clare Ambrose, Karen Maxwell, Angharad Parry, *London Maritime Arbitration*

4. C. Ambrose, “Arbitration and the Human Rights Act 1998” [2002] LMCLQ 468
5. D.C. Jackson, *Enforcement of Maritime Claim* (4th edn, LLP 2005)
6. Derek Roebuck, *Mediation and Arbitration in The Middle Ages* (HOLO Books: the Arbitration Press, 2013)
7. *Dicey, Morris and Collins on the Conflict of Laws*
8. Gee, *Commercial Injunction* (formerly *Mareva Injunctions and Anton Piller Relief*) (6th edn, Sweet & Maxwell 2014)
9. Jianlong Yu, “The new development of China Maritime Arbitration” in 19th Session of the International Congress of Maritime Arbitrators, vol 1, (Hong Kong, 2015)
10. John D. Kimball, “Overview of significant recent developments in New York arbitration, 2012–2015” in 19th Session of the International Congress of Maritime Arbitrators, vol 1, (Hong Kong, 2015)
11. Lord Neuberger, “Arbitration and the rule of law” *Arbitration* 2015, 81(3).
12. Mandaraka-Sheppard, *Modern Maritime Law volume I: Jurisdiction and Risks* (3rd edn, Informa Publishing 2013)
13. M. George, “Choice of Law in Maritime Torts” (2007) 3 J Pr Int L 137.
14. Marks Sachs, “Singapore Arbitration – Divergence and Harmony in the Shared Common Law Experience” in 19th Session of the International Congress of Maritime Arbitrators, vol 2, (Hong Kong, 2015)
15. Simon Baughen, *Shipping Law* (6th ed, Routledge 2018)
16. Yvonne Baatz (ed), *Maritime Law* (4th Edition, Informa law from Routledge)