**Aspects of Carriage of Goods and Cargo Claims**

**19, 21 & 22 May 2021**

**Day 1: Wednesday 19 May**

**13.00 (BST) Welcome: Structure of the Course Dr Filip Saranovic**

**13.05 Session 1 Dr Filip Saranovic**

**Hague and Hague-Visby Rules: application of Rules**

The Hague and (as later revised) Hague-Visby Rules are liability regimes for sea carriage, one or other of which is in force in most countries involved in the maritime enterprise. This session looks at the triggers for their application (which differ markedly as between the two regimes), and will concentrate on the content (and reason for) Art X of the Hague-Visby Rules. The Rules are fundamental to the relationship between carriers and cargo-owners

*14.05 Break*

**14.10 Session 2 Dr Jenny Zhang**

**Bills of lading: role and function**

The most important role of the bill of lading is as a document of title, but it is also evidence of what was shipped, and when, and of the terms of the carriage contract. This session looks at how these roles work, including the transfer of contractual rights and obligations under the carriage contract (which is originally made with the shipper of the cargo) as the bill of lading is transferred.

**15.10 Session 3 Richard Lord QC Hague and Hague-Visby Rules: cargo claims (Arts III(1), III(2), IV(1), IV(2))**

This session is about the main substance of the Rules (there being no significant difference, in this respect, between the two regimes). Arts III(1), III(2) and IV(1) cover the main duties of carriers, to provide a seaworthy vessel "before and at the beginning of the voyage", and to care for the cargo. Art IV(2) sets out the excepted perils to which the carrier is entitled. The session will include the inter-relationship between these provisions, and at the burden of proof (on which there has been significant recent English case law).

**16.10 Session 4 Richard Lord QC**

**Hague and Hague-Visby Rules: package limitation (Art IV(5))**

The carrier is entitled to a limit of liability per package (or by weight under Hague-Visby - principally applying to bulk cargoes). There are significant differences between the two regimes, and the session will also include recent English case law, where the issue has been which of the two regimes has been applicable.

*17.05 Break*

**17.10 Session 5 Sir Bernard Eder**

**English law and arbitration: pros and cons**

Many carriage contracts provide for English law to govern, and most (but not all) also provide for English arbitration. This session looks at features of English law and English arbitration that carriers and cargo-owners might find attractive, and also at why the parties might choose not to opt for them.

**Day 2: Friday 21 May**

**13.00 Session 6 Dr Liang Zhao**

**Laytime**

Voyage charterparties and bill of lading contracts provide for freight to be payable, the amount not being dependent on the time the voyage actually takes. Loading and discharge times are to some extent controlled by charterers or cargo-owners, however. To encourage them to hurry, laytime is provided under the contract in which to load or discharge. If the charterers or cargo-owners exceed this, they are in breach of contract, and in principle liable in damages. Laytime (and particularly the precise point when it commences) has been the subject of a great deal of litigation over many decades.

**14.00 Session 7 Dr Liang Zhao**

**Demurrage**

Where laytime is exceeded, the carriage contract almost invariably has a demurrage provision, which liquidates (fixes) the damages payable in the event of laytime being exceeded. This session covers how demurrage works, and in particular at very recent English case law where the issue was as to precisely what the demurrage clause covered; shipowners who are unhappy with the agreed fixed amount may attempt to avoid it by arguing that the demurrage clause does not cover the loss that has been caused by the delay.

*15.00 Break*

**15.05 Session 8 Dr Alexandros Ntovas General average**

There is a very old principle of maritime law that where cargo is deliberately jettisoned to save a ship in peril, the owners of the ship and the cargo saved contribute to the losses of those whose cargo is jettisoned. This old principle of general average has been extended in recent years, and generalised beyond the jettisoning of cargo, so that if part of the vessel itself, or its stores or tackle, is sacrificed in order to save cargo, the shipowners may claim a general average contribution from the owners of the cargo saved. The parties nearly always agree to govern general average by the York-Antwerp Rules, which will then be incorporated into carriage contracts. The session will cover the triggers for general average, and the main aspects of the York-Antwerp Rules, including changes that have been made to them over the years, and why.

*16.05 Break*

**16.10 Session 9 Dr Alexandros Ntovas Piracy**

As piracy has surged once again to important routes along the coasts of Africa, this session will examine a series of contemporary issues ranging from the legal definition both at international level and within a commercial and private law context, to the implications on shipping practice such as the established trend in employing armed guards. The session will follow up also that of the General Average to demonstrate doctrinal as well practical aspects of piracy in this context.

*17.15 Break*

**17.20 Session 10 Robert Veal**

**Arrest**

A feature of Admiralty jurisdiction, that is exclusive to it, is the action in rem, one aspect of which is that the ship herself can be arrested. Historically, English law exercised arrest jurisdiction cautiously compared with many other countries, but an international convention of 1952 has brought us largely into line. It also introduced the concept of sister ship arrest.

Arrest is a very important form of security for cargo-owners, and this session looks at how it works.

**Day 3: Saturday 22 May**

**08.00 Session 11 Antigoni Fakonti Shipping dispute resolution (focus on litigation and arbitration)**

This session proposes to explore the legislative framework for shipping dispute resolution in Cyprus, with a focus on litigation and arbitration, and to discuss the application, advantages and disadvantages of each of these two dispute resolution methods, including but not limited to procedural matters, time frame, cost, enforcement, interim measures and enforcement. In this light, this session will examine the customary course of action with respect to shipping disputes and the advantages of a Cyprus legal basis and model clauses for governing law and dispute resolution in contracts.

**09.00 Session 12 Antigoni Fakonti** **Ship Arrest in Cyprus – a nuclear weapon?**

Within the general scope of dispute resolution in Cyprus, this session proposes to explore ship arrest as an interim order prohibiting the alienation of vessels registered in Cyprus. It will focus on the Supreme Court of Cyprus’ jurisdiction to act as Admiralty Court with absolute power to hear cases in respect of a vessel’s arrest and the respective legislative framework to this effect, with emphasis on the requirements, restrictions and limitations of the ship arrest procedure. A brief discussion of the customary course of action on alternatives to ship arrests such as Mareva injunction and disclosure orders will follow.

*10.00 Break*

**10.05 Session 13 Dr Sonia Ajini Vessels’ registration in Cyprus and other related aspects (including crewing, tax, and company law aspects)**

The registration of vessels in Cyprus attracts the attention of local and foreign shipowners, shipmanagers and charterers wishing to take advantage *inter alia* of the tonnage tax system and enjoy benefits and incentives for their business and companies’ structural set up. This session proposes to explore the main features of vessels’ registration in Cyprus and Cyprus law related implications for interested parties.

*11.05 Break*

**11.10 Session 14 Dr Sonia Ajini**

**Anti-piracy law in Cyprus (The Protection of Cyprus Ships against Acts of Piracy and Other Unlawful Acts Law of 2012), maritime security aspects and PSSC accreditation**

This session will present the legislative framework enabling the regulated use of private security personnel on board of Cyprus flagged vessels, especially when sailing through high-risk areas, aimed at enhancing the security of those vessels. The legislative framework applies to acts or attempted acts of piracy and addresses all forms of unlawful acts against a vessel or attempts to violate the security of the vessel. The Law requires the implementation of measures in accordance with international regulations. This needs to be supported by a proper and robust application process of private companies providing such services for Cyprus vessels. Bottom of Form

A short self-assessment will be provided at the end of this part.