



# TECHNICAL UNIVERSITY OF MOMBASA

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School of Business

## UNIVERSITY EXAMINATION FOR:

DIPLOMA IN SHIPPING

BSP 2207: SHIPPING LAW

END OF SEMESTER EXAMINATION

**SERIES: AUGUST 2019**

**TIME: 2 HOURS**

**DATE:**

### Instructions to Candidates

You should have the following for this examination

*-Answer Booklet, examination pass and student ID*

This paper consists of FIVE questions. Attempt Question ONE (Compulsory) and any other Two questions

**Do not write on the question paper.**

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### Question ONE

You've been asked to prepare a worksheet for trainees about The Hague Visby Rules Exceptions to Liability.

(a) Explain, with examples, how four of the 17 exceptions build upon the four UK common law exceptions applicable to every carriage:

(i) Act of God [4 marks]

(ii) Queen's enemies [4 marks]

(iii) Inherent vice [4 marks]

(iv) A general average sacrifice [4 marks]

(b) Briefly analyse the situations under which a carrier will not be able to rely on a listed exception. [4 marks]

### Question TWO

You work for a shipowner and a company currently chartering one of your ships is unable to pay for hire at the moment. You need to decide whether you are able to exercise a lien on the cargo until the charterer has paid the hire due.

Analyse and evaluate:

(a) The importance of a lien clause, and give examples [5 marks]

- (b) The importance of the reference to the charterparty in the Bill of Lading [5marks]
- (c) The importance of the jurisdiction where the lien is to be exercised [5 marks]
- (d) The importance of choosing when and where to exercise the lien [5 marks]

### **Question THREE**

A Freight that you need urgently has been delayed because the vessel on which it was being shipped did not take the route you expected it to take and the voyage therefore took longer than you had calculated it would.

- (a) Explain what is meant by ‘the usual route’ as it relates to a voyage charter and how you could have made your option for the route clear in law. [2 marks]
- (b) Analyse three sets of circumstances where deviations from the ‘usual route’ would be justifiable. [12 marks]
- (c) Discuss THREE clauses of standard voyage charter form. [6 marks]

### **Question FOUR**

- (a) Discuss, with the use of relevant examples, the key legal issues associated with international freight. [10 marks]
- (b) Explain what you understand by the following terms:
- i) Freight forwarders. [5 marks]
- ii) Injunction for breach of contract of carriage. [5 marks]

### **Question FIVE**

The line for which you work needs to charter a vessel to replace one expected to be in dry-docking for three months. You’ve been asked to check the charterparty form, prior to agreement, to ensure it contains a full list of events which would allow you to place the ship off-hire should this become necessary.

Discuss five events you will insist are included in the off-hire clause. [20 marks]