

# Maritime Law & Shipping Contracts

## INTRODUCTION

- The study and understanding of Maritime Law and Shipping Contracts is essential for those who work in the Shipping field. The knowledge and the contractual and international regulatory framework which underpins the Shipping Industry is paramount in dealing with issues that may arise on a daily basis in the shipping and maritime industry.
- This training course will provide participants with a detailed understanding of the various aspects of Maritime Law, Charter Parties, Carriage of goods by sea and International law relating to the Law of the Sea. Also covered will be the issues that relate to Laytime and Demurrage and to minimize demurrage claims. The course will provide you with the essential skill sets to maneuver your way around the areas of the maritime claims and rights of the respective parties involved in the Shipping trade.

This training course will highlight:

- Essential elements which are the basis of Maritime Law
- Important elements of Charter Parties like Time and Voyage Charter Parties
- The legal basis for Bills of Lading & Contract for the Carriage of Goods and Sale of Goods
- The importance of Maritime Insurance in the Shipping Industry and how best to use it
- Resolving of Maritime Disputes and the relevant mechanisms available to parties

## OBJECTIVES

By the end of this training seminar, you will be able to:

- Gain understanding of the fundamental basis of Maritime Law
- Gain full knowledge of the main Shipping Contracts, Treaties and International Convention affecting the Maritime Industry
- Know the full responsibilities and rights of the various parties involved in the shipping trade
- Learn to better manage the risks and liabilities involved in maritime transactions
- Know the best use of alternative dispute resolution processes to resolve claims disputes to save costs and time

## **TRAINING METHODOLOGY**

- The training course will combine presentations with instructor guided interactive discussions between participants relating to their individual workplace. Practical exercises, video material and case studies aiming at stimulating these discussions and providing maximum benefit to the participants will support the training.

## **ORGANISATIONAL IMPACT**

- Having a team that will fully understand the fundamentals of Maritime Law and Practise
- Manage risks and liabilities involved including the negotiating and drafting of maritime contracts
- Saving costs and management time in resolving maritime claims by honing the skills of the claims management team
- Providing options to management on how best to deal with shipping contracts claims and the solutions that are available
- Analysing and strategizing on the best approach to handles maritime disputes resulting from claims

## **PERSONAL IMPACT**

This training course teaches the competencies that enable delegates to:

- Understand the essential aspects and basis of Maritime and Shipping matters
- Improve understanding of how maritime claims can be made and or resolved
- Gain an understanding of the basis of laytime and demurrage and how to minimize demurrage claims
- Gains skill sets to be better prepared to deal with difficult issues relating to claims
- Knowing different dispute resolution methods used in resolving these maritime disputes

## **WHO SHOULD ATTEND?**

This training course is suitable to a wide range of professionals but will especially benefit:

- CEO, COO, CFO
- Fleet Managers
- Ship Managers
- Superintendents
- Legal counsel
- Financial officers
- Technical Managers
- Marine Operations Personnel
- Business Development Managers
- Commercial Managers
- Maritime and logistics executives

## Course Outline

### Introduction to Maritime Law

- Maritime law and the legal framework
- International law and Conventions relating to the Law of the Sea
- IMO maritime conventions
- The United Nations Convention on Contracts for the International Sale of Goods (CISG) (Vienna, 1980) Contract law:
- The basics contract law (English law) elements of a legally binding contract
- Ship building and repair contracts
- Ship sale and purchase contracts
- The Flag State -Ownership and Registration of Vessels
- Security, arrest and freezing orders

### Basic Elements of Carriage of Goods by Sea, Bills of Lading & Charter Parties

- The legal basis of the law governing carriage of goods by sea
- Different Types of Charterparties - including their function, key legal features, ramifications, the operation of contractual freedom
- The legal aspects of Bills of lading, including their function and ramifications
- Existing Conventions & Rules on carriage of goods by sea including the Hague Rules, Hague-Visby Rules and Hamburg and Rotterdam Rules
- Review of Standardised contracts including BIMCO standard contracts
- Vetting Voyage charters, time charters, bareboat charters

### Marine Insurance and International Contracts of Sale

- Key principles relating to Marine insurance law and practice
- Basic types of marine insurance (e.g. voyage, time, cargo, hull, etc.) and related standard contracts
- Marine insurance law as it relates to the interests of the parties involved
- The position of the buyer and the seller in international trade, including risks in the passing of property in goods, the involvement of banks and the documentation (e.g. letters of credit)
- Marine insurance - principle of utmost good faith
- Insurable interest & Proximate cause
- Subrogation, Contract of indemnity & Warranties
- Types of marine insurance policies and related concepts
- Cargo clauses and other related concepts

### Voyage Charter Party: Lay-time & Claims for Demurrage & Despatch

- Types of Lay-time
- Starting lay-time & Notice of Readiness (NOR)
- Lay-time Calculation
- Suspending Lay-time and Stopping Lay-time