

HONG KONG POLYTECHNIC
CENTRE FOR MARITIME STUDIES

Course : Post experience Diploma in Ship Command
Subject : Commerce and Law
Class : PEDSC Part B
Session : 1992-93
Date : 9 June 1993
Time allowed : 3 hours

Instructions to Candidates : Attempt Questions 1, 2 and 3 and any FOUR of the remainder.
This paper has NINE questions.

Available from :
Invigilator

Reference Exam No. : 3/93 HC

A1. Contrast the shipowner's obligation to provide a seaworthy ship and the legal consequences if he fails to do so :

(a) at Common Law

(b) under the Hague-Visby Rules

(20 marks)

A2. Describe the courses of action available to a Master for dealing with the misconduct of a seafarer on a Hong Kong registered vessel.

(20 marks)

A3. Advise the shipowner as to his legal position after signing a contract with similar provisions to the "UK Standard Conditions for Towage and other Services 1983".

(20 marks)

B4. State the factors that must be considered if a ship attempts to sail or sails :-

- (a) without loadline marks, (5 marks)
- (b) if the ship is found to be over loaded. (5 marks)

B5. Explain the effect of the following clauses in the Institute Time Clauses - Hull

- (a) "sister ship" clause (3 marks)
- (b) "sue and labour" clause (3 marks)
- (c) "3/4 collision liability" clause (4 marks)

B6. Distinguish between :

- (a) Maritime Lien and Possessory Lien (5 marks)
- (b) Full registration and provisional registration (5 marks)

B7. Discuss the necessary circumstances for a salvage award. What are the legal consequences for the shipowner and cargo owner if a ship's master signs an L.O.F. 1990 in an emergency?

(10 marks)

B8. For a sacrifice or expenditure to be the subject of general average, some conditions must be complied with. Discuss these conditions.

(10 marks)

B9. (a) What is the purpose of registration of a ship?

- (b) Distinguish between the joint owners and part owners of a ship, and describe the legal rules for the settlement of disputes between co-owners with respect to the employment of their ship.

(10 marks)

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