

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 (Referral)
Date	:	28 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.
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Available from Invigilator	:	
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A1. Your vessel, M.V. "Eagle Star" has grounded in the South Pacific. You, as the Master, call your owner in New Zealand for assistance. You have been advised that one tug will be sent immediately to help you.

Two hours later four tugs arrive on the scene at the same time and all of them claim to be acting for the agent of the owner. The agent's name is Starlight Shipping Pty.

The Master of one tug demands that you sign an LOF 1990. In the meantime another tug has already commenced salvage operations without your consent.

You refuse to sign any documents in your capacity as the Master of the ship. However, salvage operations will be needed to refloat the vessel and tow her to safety.

Explain the legal position of :

- (a) yourself
- (b) the owner

(20 marks)

A2. You are the Master of a bulk carrier trading between Hong Kong and Singapore, and you understand that a bill of lading has the following functions :

- (a) as a receipt
- (b) as a document of title
- (c) as an evidence of the contract of carriage.

Explain your responsibilities in relation to each of the above functions and under what circumstances you are able to accept a letter of indemnity from the shippers.

(20 marks)

A3. Explain the circumstances where the following may be convened in Hong Kong and indicate who officiates at each.

- (a) A Preliminary Inquiry
- (b) A Marine Court
- (c) An inquiry into the fitness of officers

(20 marks)

B4. Under what circumstances may the Master have the authority to act as the agent for the cargo-owners without prior express premission.

(10 marks)

B5. Describe the general rules for the assessment of damages after collision.

(10 marks)

B6. Write notes on the following :

(a) Employment and Indemnity Clause

(b) Laytime

(c) Demurrage

(10 marks)

B7. Describe the major clauses contained in the Crew Agreement on a Hong Kong registered ship.

(10 marks)

B8. (a) What is meant by a "Note of Protest"?

(b) List the circumstances in which the Master should note a protest.

(c) State when and before whom should the protest be noted.

B9. Outline the responsibilities of Master and Pilot on a vessel which is within compulsory pilotage waters.

(10 marks)

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