

HONG KONG POLYTECHNIC
CENTRE FOR MARITIME STUDIES

Course : Post experience Diploma in Ship Command
Subject : Commerce and Law
Class : PeDSC Part B
Session : 93/94 (Referral)
Date : 27 June 1994
Time allowed : 3 hours

Instructions to Candidates : Attempt Questions 1, 2 and 3 and any four of the remainder.

This paper has nine questions.
Minimum pass marks 50%.

Available from :
Invigilator

A1. During the course of a voyage, your vessel sustains heavy weather damage which is sufficiently serious that it is necessary to make for the nearest port in order to effect repairs to ensure the safety of the ship.

(a) Discuss the types of repair which should be classed as general average and the types which should be classed as particular average. Explain fully the differences between the two types of average. Give 3 examples of each.

(b) List 10 documents which you would obtain and forward to your owners on completion of repairs.

(20 Marks)

A2. Discuss any three of the followings:-

(a) the Civil Liability Convention

(b) the Fund Convention

(c) the TOVALOP agreement

(b) The CRISTAL agreement

(20 Marks)

A3. Explain the functions of the following :-

(a) Bill of lading

(b) Mate's receipt

(c) Letter of indemnity

(20 Marks)

B4. 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 Lloyd's Open Form 1990 in an emergency?

(10 Marks)

B5. Compare the obligation of the shipowners with regard to the seaworthiness of the ship under the followings :-

- (a) Common Law
- (b) Hague-Visby Rules

(10 Marks)

B6. (a) Explain what is meant by the following terms:-

- suspected ship
- infected ship
- healthy ship

(b) Explain the responsibilities of a Master arriving in Hong Kong from an International voyage in each of these situations.

(10 Marks)

B7. The authoritative (military) approach to discipline has existed within the Merchant Navy for a very long time. Where a seaman failed to comply with certain provisions of his contract of employment the system was such that he was punished. The final form of punishment was the fine.

Write an opinion on the relevance of the points made in the above statement to the modern Hong Kong Merchant Navy.

(10 Marks)

B8. State the differences between an "action in personam" and an "action in rem" and discuss the advantages of each.

(10 Marks)

B9. Explain the purposes and benefits of ship registration.

(10 Marks)

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