Overall Comments

Some of the answers presented were general and did not display evidence of good reading. In particular, little attention was given to the case laws in the discussions. Question 2 was the most popular one, which was answered by all students, while the least popular one was Question 6, closely followed by Question 3 with only a few students choosing to answer these.

Question One – Collision Claim

The marks achieved were, a mixed bag. Students who failed to answer this question well did not demonstrate an understanding of law. Here, the candidates were expected to be familiar with the general principles of collision regulation and liabilities. They were to carry out a detailed discussion on (a) the collision regulation, and (b) the principles of liability. Candidates were expected to be aware that most maritime liabilities arise out of some form of negligence, and most cause of action would be covered under the tort of negligence. Those who fared above average had presented a good answer, using case laws in their discussions to demonstrate a good understanding of the law. The performance of the candidates on this question could be summarised as being average.

Question Two – Laytime & NOR Question

The marks achieved were, with the exception of just a few students, above average. Here, the candidates were expected to be familiar with “laytime” in charterparty contracts in relation to port and berth charters, and notice of readiness (NOR). The candidates were expected to carry out a detailed discussion on (a) “laytime” in charterparty contracts in relation to port and berth charters, and (b) the effect of an “invalid notice of readiness”. Of those who answered a few demonstrated a very good understanding of the law relating to “laytime” and NOR. Students who did well had carried out a clearer discussion, demonstrating a reasonable understanding of the law relating to laytime and NOR. The performance of the candidates on this question could be summarised as being average.
**Question Three - Ship Arrest**

The candidates were expected to be familiar with the arrest of ships under English Common law. Candidates were expected to carry out a detailed discussion on ship arrest (*in rem* procedure before the admiralty courts under English Common law) to enforce a claim arising out of i. salvage operation, and ii. a cargo claim. They were also expected to discuss if and how one is easier than the other in comparison. Those who fared above average had presented a good answer, using case laws in their discussions to demonstrate a good understanding of the law. The performance of the candidates on this question could be summarised as being average.

**Question Four – Time Charterparty**

Here, the candidates were expected to be familiar with the position of law regarding time charter parties operations, non-payment of hire, *laycan*, sub-chartering, etc. They were to study the scenario presented, discuss the legal principles and advise both the shipowners and sub-charterers on the remedies open to them under the given circumstances. Over two thirds of the candidates who attempted this question did come up with satisfactory answers, which could be down to the strength of their experience and background. Those who fared above average had clearly identified and analysed the legal issues, and used case laws in their discussions to demonstrate a good understanding of the law. The performance of the candidates on this question could be summarised as being satisfactory.

**Question Five - Voyage Charterparty**

Candidates were expected to be familiar with the position of law regarding charterparty operations, various charterparty clauses, *Wibon, Always Accessible clauses*, etc., and other practices in port. They were also to carry out a detailed discussion of the problem presented, identify the legal issues, the applicable law, and the remedies open to the shipowner as a result of the delays caused in the operation. The answer was to focus on the charterparty operations relating to the part discharge of cargo in the light of the two clauses found in the charter party contract, *viz.*, the non-payment of custom dues and the consequent delays encountered. The performance of the candidates on this question could be summarised as being average.

**Question Six – Athens Convention**

The candidates were expected to be familiar with the origins and the reasons for passing of the Athens Convention relating to the carriage of passengers and their baggage by sea. The candidates were to carry out a detailed discussion on the aims and objectives, besides looking at the important provisions of the Athens Convention on the carriage of passengers and their baggage by sea. The discussions in the answer were to include the duties, obligations and liabilities of the carrier to the passengers and their baggage by sea, and how the Convention has set a high standard and a benchmark. The overall performance of the candidates could be summarised as being average.
**Question Seven – Mediation/Arbitration & HC Proceedings**

The candidates were expected to be familiar with arbitration, mediation and High Court proceedings with regard to claims arising in relation to maritime law. The candidates were to carry out a detailed discussion on arbitration, mediation and High Court proceedings. They were also expected to have a good understanding of the advantages/disadvantages of mediation, arbitration with a sole arbitrator, and London High Court proceedings. Those who fared above average had presented a good answer, using case laws in their discussions to demonstrate a good understanding of the law. Overall the quality of answers presented was satisfactory.

**Question Eight – Maritime Liens**

The candidates were expected to be familiar with the different types of liens, and in particular with maritime liens. The candidates were to carry out a detailed discussion on how maritime liens arose and the benefits flowing therefrom. The discussions were to include how maritime liens are preferred over other liens in admiralty in the enforcement of maritime claims. Those who fared above average had demonstrated a clear understanding of the position of law, using case laws in their discussions. Overall the quality of answers presented was satisfactory.