



T.C. Beirne School of Law

**LAWS7876
SEA CARRIAGE LAW
Course Outline
Semester One, 2004**

Contents

Course Overview	1
Course Description, Rationale and Aims	1
Learning Objectives	1
Prerequisites and Incompatibles	1
Workload	1
University of Queensland Disability Action Plan	1
Contact Details	2
Course Co-ordinator	2
Teaching and Learning Methodology	2
Class Structure	2
Reading List	4
Assessment	4
Overview	4
Quiz	4
Assignment	5

Course Overview

Sea Carriage Law is a postgraduate course offered in the LLM program. It concentrates on the commercial aspects of maritime law in relation to the carriage of goods by sea.

Course Description, Rationale and Aims

Sea Carriage Law is concerned with the legal relations between the parties involved in the carriage and delivery of goods by sea. The commercial nature of the contract of carriage of goods by sea invariably involves a number of acute questions for traders and shipowners. This course examines the nature of the legal relationship between the shipowner, the shipper of the goods and the consignee of the goods; the manner in which this relationship is affected by the chartering and sub-chartering of the vessel to a non-owner; the responsibility for loss or damage to the goods or delay in delivery of the goods; the extent of the shipper's liability for freight and the dispute resolution mechanisms typically employed in these contexts.

Learning Objectives

At the end of this course students should be able to:

- understand the operation of sea carriage law within the wider context of commercial law and private international law
- demonstrate a sound knowledge of the principles of sea carriage law; the legislation and conventions giving effect to those principles; and the body of case law which has developed and interpreted the principles
- apply the principles to practical legal issues

Prerequisites and Incompatibles

Nil.

Workload

Sea Carriage Law is a #2 course offered in intensive mode over 4 days during the mid-semester break. Students have until the end of the semester to write their research paper.

University of Queensland Disability Action Plan

Any student with a disability who may require alternative academic arrangements in the subject is encouraged to seek advice at the commencement of the semester from a Disability Adviser at Student Support Services.

The University Health Service can arrange advice and assistance on professional accreditation/registration issues that might arise as a result of alternative arrangements.

Contact Details

Course Co-ordinator

Name	Dr Sarah C Derrington
Room	W346
Phone	3365 3320
E-mail	s.derrington@law.uq.edu.au
Consultation	By appointment

Teaching and Learning Methodology

The course is taught in seminar format in intensive mode over 4 days. Case studies are interspersed throughout the course to enable discussion of relevant practical problems.

Class Structure

Classes in this course will be taught between Tuesday 13 April and Friday 16 April 2004

SEMINAR PROGRAM

Tuesday 13 April 2004

09.00 – 11.00	SESSION ONE <i>Matters Common to Contracts of Affreightment</i>
11.00 - 11.15	Morning Tea
11.15 - 12.45	SESSION TWO <i>Bills of Lading</i> ♦ types ♦ functions
12.45 – 13.45	Lunch
13.45 – 15.45	SESSION THREE Bills of Lading (cont)
15.45 – 16.00	Afternoon Tea
16.00 – 17.00	SESSION FOUR Bills of Lading (cont) ♦ charterparty bills
	CASE STUDY ONE

Wednesday 14 April 2004

09.00 – 11.00	SESSION FIVE <i>The Liability Regimes</i> ♦ Hague-Visby ♦ Hamburg
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	<ul style="list-style-type: none"> ◆ COGSA ◆ CMI proposals
11.00 - 11.15	Morning Tea
11.15 - 12.45	SESSION SIX <i>Charterparties</i>
	<ul style="list-style-type: none"> ◆ the implied obligations
12.45 – 13.45	Lunch
13.45 – 15.45	SESSION SEVEN Charterparties (cont)
	<ul style="list-style-type: none"> ◆ employment and indemnity

CASE STUDY TWO

15.45 – 16.00	Afternoon Tea
16.00 – 17.00	SESSION EIGHT Charterparties (cont)
	<ul style="list-style-type: none"> ◆ fixing a charter ◆ voyage charters

Thursday 15 April 2004

09.00 – 11.00	SESSION NINE Charterparties (cont)
	<ul style="list-style-type: none"> ◆ voyage charters
11.00 - 11.15	Morning Tea
11.15 - 12.45	Charterparties (cont)

CASE STUDY THREE

12.45 – 13.45	Lunch
13.45 – 15.45	SESSION TEN Charterparties (cont)
	<ul style="list-style-type: none"> ◆ time charters
15.45 – 16.00	Afternoon Tea
16.00 – 17.00	Charterparties (cont)

CASE STUDY FOUR

Friday 16 April 2004

09.00 – 11.00	SESSION ELEVEN <i>Jurisdiction and Choice of Law</i> <i>Current issues in Arbitration</i>
11.00 - 11.15	Morning Tea
11.15 - 12.45	SESSION TWELVE <i>Problems of Combined Transport</i>
12.45 – 13.45	Lunch
13.45 – 15.45	SESSION THIRTEEN <i>Relevant Issues of Marine Insurance</i>
15.45 – 16.00	Afternoon Tea

16.00 – 17.00 **QUIZ**

Reading List

Prescribed Texts

There is no prescribed text.

Recommended Texts

Baughen, *Shipping Law* (2nd ed, 2001)
 Cooke et al, *Voyage Charters* (2nd ed, 2001)
Scrutton on Charterparties, (20th ed, 1996)
 Wilford et al, *Time Charters* (5th ed, 2003)
 Wilson, *Carriage of Goods by Sea* (4th ed, 2001)

Prescribed Statutes

COGSA 1991 as amended by the COGSA Regulations of 1998
 Sea-Carriage Documents Act 1992

Assessment

Overview

Weighting	Assessment
20%	Short answer quiz at conclusion of course
80%	8 000 word research paper on a topic to be distributed during the course or agreed with the coordinator

Quiz

Format 20 short answer questions based on content covered in course

Marks 20

Assessment Criteria

Rating	Criteria
7	17-20 marks
6	15 -16 marks
5	13-14 marks
4	10-12 marks
3	9 marks
2	6-8 marks
1	0-5 marks

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Assignment

Topic As agreed with the course coordinator

Marks 80%

Word Length 8 000 excluding footnotes

Due Date 5.00pm, Friday 18 June 2004

Place of Submission Law School Office

Footnoting

Style and referencing should accord with that appropriate for a legal journal.

Plagiarism

Plagiarism is a serious academic offence and constitutes misconduct within the meaning of the University Disciplinary Statute. The penalty is expulsion. Plagiarism includes using any material written by someone else which you then pass off as your own. It also includes having other people write (or substantially assist with) your assignments. The policy on plagiarism applies to all forms of assessment including assignments and take-home exams. Any instance of misconduct of which the Law School becomes aware will be reported to the University authorities.

Assessment Criteria

Rating	Criteria
7	The paper is of a standard suitable for publication with little or no amendment
6	The paper deals well with the relevant legal issues raised by the topic but is not presented to a high enough standard for publication
5	The paper deals adequately with relevant legal issues raised by the topic and is adequately written and referenced
4	The paper is well written but does not demonstrate any real legal analysis
1-3	The paper is neither well researched nor written and does not demonstrate any real understanding of the issues raised by the topic

Final Grade

The final grade will be calculated as follows: (Grade X 20%) + (Grade X 80%) = final grade.

Grades will **not** be rounded up or down.