
Postgraduate Certificate in Maritime Arbitration

Marine Insurance and Arbitration

Marine Insurance

Marine insurance is a type of insurance that covers the loss or damage of ships, cargo, terminals, and any transport or cargo by which property is transferred, acquired, or held between the points of origin and final destination. It provides protection against risks associated with the maritime industry, such as storms, collisions, and piracy. Marine insurance can be broadly categorized into two main types: hull insurance, which covers the physical vessel, and cargo insurance, which covers the goods being transported.

Arbitration

Arbitration is a method of alternative dispute resolution (ADR) where parties involved in a legal dispute agree to have an independent third party, known as an arbitrator, make a binding decision on the matter. Arbitration is often used as a more efficient and cost-effective way to resolve disputes compared to traditional litigation in court. The process is governed by the parties' agreement to submit their dispute to arbitration, which typically includes the rules and procedures to be followed during the arbitration proceedings.

Admiralty Law

Admiralty law, also known as maritime law, is a distinct body of law that governs maritime activities and navigation, including shipping, navigation, marine commerce, seamen, and the transportation of passengers and goods by sea. Admiralty law covers a wide range of legal issues, such as collisions, salvage, ship mortgages, and marine insurance. It is an important area of law for those involved in the maritime industry and plays a crucial role in regulating international maritime trade.

Admiralty Court

An admiralty court is a specialized court that has jurisdiction over maritime and admiralty matters, including disputes related to ships, shipping, and maritime commerce. Admiralty courts handle cases involving maritime contracts, collisions, salvage, and other maritime issues. These courts are often established in coastal cities with significant maritime activity and play a key role in enforcing admiralty law and resolving disputes in the maritime industry.

Arbitral Tribunal

An arbitral tribunal is a panel of one or more arbitrators appointed to resolve a dispute through arbitration. The tribunal is responsible for conducting the arbitration proceedings, hearing the evidence presented by the parties, and rendering a final and binding decision on the dispute. The arbitrators are typically chosen based on their expertise in the subject matter of the dispute and their ability to act impartially and independently in resolving the matter.

Bareboat Charter

A bareboat charter, also known as a demise charter, is a type of charter party agreement in which the charterer takes full control and possession of the vessel for a specified period. Under a bareboat charter, the charterer is responsible for operating and managing the vessel, including crewing, maintenance, and navigation. The charterer essentially becomes the temporary owner of the vessel during the charter period and assumes all risks and liabilities associated with its operation.

Bill of Lading

A bill of lading is a legal document issued by a carrier to a shipper that serves as a receipt for goods shipped, a contract of carriage, and a document of title to the goods. The bill of lading outlines the terms and conditions of the transportation agreement, including the type and quantity of goods being shipped, the destination, and the shipping route. It is an essential document in international trade and maritime commerce, as it facilitates the transfer of goods and serves as proof of ownership during transit.

Charter Party

A charter party is a contract between a shipowner (or charterer) and a charterer (or cargo owner) for the hire of a vessel for a specific voyage or period of time. The charter party sets out the terms and conditions of the charter, including the freight rate, loading and discharge ports, laytime, demurrage, and other important provisions. There are different types of charter parties, such as time charters, voyage charters, and bareboat charters, each tailored to meet the specific needs of the parties involved.

Collision Clause

A collision clause is a standard provision in marine insurance policies that covers the insured vessel against damage caused by collisions with other vessels or objects. The collision clause typically indemnifies the insured for the cost of repairing the damage to the vessel and any cargo on board resulting from a collision. It is an essential element of hull insurance policies and provides protection against one of the most common risks faced by vessels in the maritime industry.

Demurrage

Demurrage is a charge imposed on the charterer or shipper for delays in loading or unloading cargo beyond the agreed time allowed in the charter party. Demurrage is intended to compensate the shipowner for the extra time and expenses incurred due to delays in the turnaround of the vessel. The amount of demurrage is usually calculated on a daily basis and can vary depending on the terms of the charter party and the nature of the cargo being transported.

General Average

General average is a principle of maritime law that allows for the equitable sharing of losses incurred during a voyage among all parties with a financial interest in the voyage. When a vessel and its cargo are exposed to a common peril, such as a storm or fire, and sacrifices are made to save the voyage, the losses incurred are considered a general average loss. The concept of general average ensures that all parties contribute proportionally to the losses suffered, regardless of whether their property was directly affected.

Hague-Visby Rules

The Hague-Visby Rules are an international convention that governs the carriage of goods by sea and establishes the rights and responsibilities of carriers and cargo owners in maritime trade. The rules set out minimum standards for carriers in terms of liability, care of goods, and documentation, and provide limitations on carriers' liability for loss or damage to cargo. The Hague-Visby Rules are widely adopted in international trade and provide a framework for resolving disputes related to the carriage of goods by sea.

International Maritime Organization (IMO)

The International Maritime Organization (IMO) is a specialized agency of the United Nations that is responsible for regulating and coordinating international shipping and maritime activities. The IMO sets global standards for safety, security, and environmental protection in the maritime industry and works to promote sustainable and efficient shipping practices. The IMO plays a key role in the development of international conventions and regulations that govern maritime activities and ensure the safety and security of vessels and crew.

Jurisdiction Clause

A jurisdiction clause is a provision in a contract that specifies the legal jurisdiction or forum in which any disputes arising from the contract will be resolved. Jurisdiction clauses are common in maritime contracts, such as charter parties and bills of lading, and help to determine the applicable law and venue for resolving disputes. The jurisdiction clause may designate a specific court or arbitration tribunal to hear the dispute and can have a significant impact on the outcome of the dispute resolution process.

Laytime

Laytime is the period of time agreed upon in a charter party for the loading and unloading of cargo at the specified ports. Laytime is essential for determining the time allowed for the charterer to complete the cargo operations without incurring additional charges, such as demurrage. The calculation of laytime is subject to various factors, such as the type of cargo, the size of the vessel, and the efficiency of the cargo handling facilities at the port. Laytime provisions are typically detailed in the charter party and play a crucial role in managing the logistics of maritime transport.

Marine Surveyor

A marine surveyor is a professional who is qualified to inspect and assess the condition of ships, cargoes, and marine equipment for the purpose of risk assessment, damage assessment, and compliance with regulatory standards. Marine surveyors play a crucial role in the maritime industry by providing independent and impartial assessments of the condition and seaworthiness of vessels, as well as the quality and quantity of cargoes. Marine surveyors may be appointed by shipowners, insurers, and regulatory authorities to conduct surveys and inspections in various maritime contexts.

Particular Average

Particular average is a term used in marine insurance to describe a partial loss or damage to a vessel or cargo that is not caused by a general average sacrifice or a peril of the sea. Particular average losses are

typically borne by the owner of the property that has suffered the loss, rather than being shared among all parties involved in the voyage. Marine insurance policies often distinguish between general average and particular average losses and provide coverage for both types of losses under different provisions.

Salvage

Salvage is the act of rescuing or recovering a vessel or its cargo from a perilous situation, such as shipwreck, fire, or collision, in exchange for a reward known as salvage award. Salvage operations are carried out by professional salvors who risk their own lives and resources to save vessels and cargoes in distress. The law of salvage governs the rights and obligations of salvors, shipowners, and cargo owners in salvage operations and provides a framework for determining the amount of the salvage award based on the value of the property saved and the risks involved.

Time Charter

A time charter is a type of charter party agreement in which the charterer hires a vessel for a specified period of time and pays a daily or monthly hire rate to the shipowner. Under a time charter, the shipowner retains control and management of the vessel, while the charterer has the right to use the vessel for the agreed period. Time charters are commonly used in the shipping industry to provide flexibility and cost-effective solutions for transporting goods over a specific period, without the long-term commitment of a bareboat charter.

Voyage Charter

A voyage charter is a type of charter party agreement in which the shipowner agrees to transport a specific cargo from one port to another for a fixed price. The voyage charter sets out the terms and conditions of the voyage, including the loading and discharge ports, the freight rate, and the responsibilities of the parties involved. Unlike a time charter, a voyage charter is for a single voyage only and does not involve a long-term commitment between the shipowner and the charterer. Voyage charters are commonly used for transporting bulk commodities, such as grain, coal, and oil, over long distances.