

CML Short Course: Shipping Law Update: cases in 2022

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Amara Singapore



On 4 May 2023, the Centre for Maritime Law (CML) at National University of Singapore, Faculty of Law, hosted the CML Short Course on Shipping Law Update: Cases in 2022 at the Amara Hotel. Professor Stephen Girvin, MPA Professor of Maritime Law and Director of CML delivered the seminar, attended by 25 legal practitioners and shipping professionals.

In his lecture, Professor Girvin discussed twelve cases, including the local decisions of *The Navios Koyo* [2021] and *The Maersk Princess* [2022]. *The Navios Koyo* highlighted the effect of incorporating an arbitration clause into a charterparty. Regarding *The Maersk Princess*, Professor Girvin opined that he was hopeful there could be a full examination of the issues at a full trial in due course.

Professor Girvin also discussed two cases on the limitation of liability under the 1976 LLMC and the 1996 Protocol. On *The Antea and Star Centurion* [2022], he highlighted the requirements as per the Convention to limit liability, as well as the approach to statutory construction. *The MSC Flaminia (No 2)* [2022] was also discussed, being the first case since *The CMA Djakarta*, where the English

court considered a claim by a charterer that it is entitled to limit its liability to the owner.

Several other cases dealing with various topics were also discussed, including: *The Courage* and *The Amethyst* [2022], dealing with the effect of sanctions and Barecon 2001; *The BF Leticia* [2022] on whether shipping documents amounted to a bill of lading; *The Giant Ace (No2)* [2022], which dealt with the question whether art III r 6 of the Hague Visby Rules applies to claims for misdelivery of cargo after discharge; *The Thorco Lineage* [2023], which dealt with the construction and application of art IV r 5(a) of *the Hague-Visby Rules*; *The Sienna* [2022], which dealt with the status of bills of lading in the hands of an original shipper and delivery without production of a bill of lading (and in which judgment in the appeal has since been delivered); *MT Stena Primorsk* dealt with demurrage and safety decisions by the master; *The Divinegate* on wrongful arrests and charterparty performance warranties; *The Wilforce* and the *MV Western Moscow* [2022] on collision and crossing rules under COLREGs.

Professor Girvin also noted two cases currently on appeal to the UKSC, namely *The Polar* [2020] and *The Eternal Bliss* [2021], but indicated that the latter had just been settled. The other case is likely to be discussed at the next Shipping Law update in 2024.