

CML Shipping Law Update: Cases in 2023

2 May 2024
M Hotel Singapore



On 2 May 2024, the Centre for Maritime Law (CML) at the National University of Singapore, Faculty of Law, hosted the CML Short Course on Shipping Law Update: Cases in 2023 at the M Hotel. Professor Stephen Girvin, MPA Professor of Maritime Law and Director of CML, delivered the seminar, attended by 50 legal practitioners and shipping professionals.

Professor Girvin discussed fourteen cases in his lecture, including two local decisions. *The Navigator Aries* (2023) was an action *in rem* in the Court of Appeal of the Republic of Singapore concerning a collision in the Surabaya Strait, Indonesia. Professor Girvin opined that the main point of interest concerning this case was that the appellate court disagreed with the apportionment of liability determined by the High Court judge. *The Maria Theo I* (2023) was a decision of Kwek Mean Luck J concerning the shipowner's lien over sub-freights, sub-hires or demurrages.

Also discussed was *De Beers Marine* (2023), decided by the Supreme Court of Appeal of South Africa, which dealt with the entitlement of the owner of an autonomous underwater vehicle to a salvage reward under the Salvage Convention 1989.

Eleven English cases dealing with various topics were discussed, including *The Polar* (2024), which dealt with the liability of cargo interests in general average (GA). Professor Girvin highlighted the significance of this case, which lays down the law concerning voyage charterparties under English law. The other cases were: *The Giant Ace* (2023), which was concerned with whether the Hague-Visby Rules

time bar extinguished claims for misdelivery of cargo after discharge; *The Ever Given* (2024), which concerned the formation of contract in the context of salvage services; *The Sienna* [2023], on misdelivery and whether the bill of lading governed the relationship with the shipper after novation; *The MSC Flaminia* (2023), which dealt with the interpretation of the article 2 of the Convention on Limitation of Liability for Maritime Claims 1976 (as amended); *The Anna Dorothea* (2023), on whether hire was payable if the vessel was off-hire at the instalment date; *The FMG Sydney/MSA Apollo* (2023), which dealt with a collision dispute where the parties' submissions were wide apart on the crossing rules under the COLREGS; *The Globe Danae* (2023), on whether charterers were required to pay at on-hire rates for cleaning after expiry of the charterparty; *The M/V Maersk Chennai* (2023), which dealt with the liability of the carrier for damage caused by prolonged containerisation between discharge and delivery and inherent vice; *The Afra Oak* (2023), which dealt with the liability of the shipowner where, following the breach of the charterer's employment orders, the vessel anchored in Indonesian waters in violation of Indonesian law; and *The Doric Valour* (2023) on title to sue, causation and the quantum of recoverable losses.

