

Maritime Law, International Trade and Arbitration Course

(International Trade, Bills of Lading, Charterparties, Admiralty and Arbitration)

12
Sessions

CPD: 1 CPD per session

Time: 3.00pm to 4.30pm - 5.00pm (1.5 - 2 hours each sessions)

Date: 22 Jan 2021 - 30 April 2021 (Every Friday)

Fees: **Complimentary** for SLS, AAS, and BC
Non-member: Rm30 per session,
RM300 for all sessions

Venue: Zoom



SLS/AAS and MB Members please register at the following links:

Day 1 **22 Jan 2021 (Legal Framework and Shipping Documents)**

https://us02web.zoom.us/meeting/register/tZlod--qjwiGt0KPUH4KJEiy9mb_pdxLNwV

Day 2 **29 Jan 2021 (International Trade and Letter of Credit)**

<https://us02web.zoom.us/meeting/register/tZAuf-murDkvG9WUr4ToyoR9PxBn29oUVQ2>

Day 3 **5 Feb 2021 (Cargo Claims)**

https://us02web.zoom.us/meeting/register/tZMpce2vqDsuG9c_sFlfGJ5Bb7zvc7db7Ad

Day 4 **19 Feb 2021 (Obligations of Carrier at Common Law)**

https://us02web.zoom.us/meeting/register/tZAldeiqqT8sG9UGTsk-g9EcQyfoYCi4PIr_

Day 5 **26 Feb 2021 (Obligations of Carrier under Rules)**

https://us02web.zoom.us/meeting/register/tZApfuCtpj4vH9NPZi1wE7IfXmgwPzO3N_k7

Day 6 **12 March 2021 (Liability/Time Limits, and Shipper's Liability for Dangerous Goods)**

<https://us02web.zoom.us/meeting/register/tZUqde6hrDwiEtC5p71QZB0xZY9-B9jNwJOf>

Day 7 **19 March 2021 (Introduction to Charterparties)**

<https://us02web.zoom.us/meeting/register/tZUocu2tqzljGt02rNgcorftt9LR5yArtWAi>

Day 8 **26 March 2021 (Voyage Charter: Freight and Lien)**

<https://us02web.zoom.us/meeting/register/tZclcuGrqz0jGNbagAiUmEMoA14Kte4VGxk3>

Day 9 **9 April 2021 (Voyage Charter: Laytime and Demurrage)**

<https://us02web.zoom.us/meeting/register/tZMldO2hqzsvH9IAS7hDU9GAfz6lScGi6vt1>

Day 10 **16 April 2021 (Time Charter)**

<https://us02web.zoom.us/meeting/register/tZcqc-qvqzMiHtPbklUL5hR2N9mN0RLbY2ZN>

Day 11 **23 April 2021 (Admiralty)**

<https://us02web.zoom.us/meeting/register/tZwvfUghpjMiHd3x10Q3tcKHFPPc2Dpvwcmi>

Day 12 **30 April 2021 (Arbitration)**

https://us02web.zoom.us/meeting/register/tZEpc-yoqTwqH9BHL-NTqT_ns6bai4pVYjeP

Non-Members, kindly email to us your payment slip to events@sabahlawsociety.org and we will provide you with the links to join

SPEAKER PROFILE

Arun Kasi, LL.B (Hons.), CLP, LL.M (UM), FCI Arb (London) is a law practitioner in Peninsular Malaysia, an arbitrator in the panels of AIAC and THAC, and a member of London Maritime Arbitrators Association (LMAA). He specialises in maritime law and arbitration, and largely undertakes counsel work. He has appeared in shipping/arbitration related cases at all levels of courts in Malaya, Sabah and Labuan, including Federal Court, Court of Appeal and High Court. His cases widely appear in law journals, numbering about 30.

He has authored/co-authored numerous legal texts since he graduated in law at the age of 19, including 5 books and more than 40 articles in maritime law, arbitration, etc. His works have been widely published in Europe, UK, Malaysia, Singapore, India, Indonesia, etc. His works have been referred to in international books and appellate court judgments.

His next major book pending publication is *The Law of Carriage of Goods by Sea* to be published by Springer Singapore in 2021, which will be followed by his book on *Admiralty* in 2022. His book entitled *Arbitration: Stay of Court Proceedings and Anti-Suit Injunctions* was published by CLJ in 2014.

*Full speaker-profile at
www.arunkasico.com/arunkasi*



Module 1: Introduction to Maritime Law [2 days]

Day 1

22
Jan
2021

Legal Framework and Shipping Documents

Legal Framework: Maritime Law

Carriage of Goods by Sea Act 1950, 1960 Sarawak Regulations, 1961 Sabah Regulations, Carriage of Goods by Sea (Amendment) Bill 2019, Hague Rules 1924, Hague-Visby Rules 1968, Hague-Visby Rules (amended by SDR Protocol, 1979), Civil Law Act 1956 (ss 3 and 5), UK Bills of Lading Act 1855, UK Carriage of Goods by Sea Act 1992, Contract Act 1950 (Parts IX and X), Evidence Act 1950 (Cap VII), Courts of Judicature Act 1964 (s 24(b)), UK Senior Courts Act 1981 (ss 20-24), Rules of Court 2020 (Orders 70), PD No. 2/2007 (Admiralty Actions), PD No. 1/2012 (Admiralty and Maritime Claims), Territorial Sea Act 2012 (s 3(1)), Baselines of Maritime Zones Act 2006 (s 5), Admiralty Court User Guide, Merchant Shipping Ordinance 1952 (s 360), Convention on Limitation of Liability for Maritime Claims 1976 (amended by Protocol of 1996), BIMCO Forms of Bills of Lading (COMBICONBILL, GENGENBILL, CONLINEBILL, MULTIDOC), BIMCO Forms of Charterparties (GENCON, BALTIME, SUPPLYTIME), ASBA Forms of Charterparties (NYPE, ASBATANKVOY, ASBAGASVOY), SHELLTIME Charterparty form of Charterparty, York Antwerp Rules 2014, ICA 2011.

Legal Framework: International Trade Law and Letters of Credit

Sale of Goods Act 1957 (Cap III and s 39), ICC Incoterms 2020, ICC UCP 600 (2006).

Legal Framework: Arbitration

Arbitration Act 2005, UK Arbitration Act 1996 (ss 67-71), Singapore International Arbitration Act, New York Convention 1958, UNCITRAL Model Law 1985 (amended 2006), UNCITRAL Arbitration Rules (revised 2010), AIAC Arbitration Rules 2018, LMAA Terms 2017, SCMA Arbitration Rules 2015, SMA Arbitration Rules 2018, Rules of Court 2020 (Orders 69), Singapore Rules of Court (Order 69), CPR Part 62 (and PD 62).

Shipping Documents and Contracts

Bills of Lading, Sea waybills, Ship's delivery orders, Charterparties.

Day 2

29
Jan
2021

International Trade and Letter of Credit

International Trade Law

Classical shipment terms (fob, c&f, cif), ICC Incoterms 2020 (FOB, CFR, CIF, DPU/DAT, DAP, DDP, EXW), Passing of property and risk.

Letter of Credit

Mechanism, UCP 600 standard terms



Module 2: Bills of Lading [4 days]

Day 3

5
Feb
2021

Cargo Claims

Cargo Claims: Legal Bases

Contract (Direct Contract, Statutory Contract, Contract by Agency, Implied Contract on loading / discharge), Bailment, Negligence, Conversion and non-delivery.

Cargo Claims: Action for benefit of Third party

UK Carriage of Goods by Sea Act 1992 (s 2(4)), Common law action for third party, Representative action.

Cargo Claims: Third party Protection

Himalaya clause, circular indemnity clause.

Cargo Claims: Presumptions and Estoppels

Three levels of evidentiary value (conclusive evidence, prima facie evidence, no evidence), Claused bill (Quantity or Weight not Known, Contents not Known, Said to Contain, Condition not Known, Relta clause), Apparent Good Order and Condition statement, Shipper's Indemnity, Other actions for misstatement.

Day 4

19
Feb
2021

Obligations of Carrier at Common Law

Carrier's Obligations (Implied Terms)

Seaworthiness and Cargoworthiness (Doctrine of stages), Deviation, Carriage on deck, Exclusion clauses.



Day 5

26
Feb
2021

Obligations of Carrier under Rules

Carrier's Obligations (Hague/Hague-Visby Rules): Application of Rules

Mandatory application (Art I, II, X), voluntary application, significance of distinction (Art III(8)), circumvention of statutory application, Art IVbis extension to tort actions and to agents and servants of carrier.

Carrier's Obligations (Hague/Hague-Visby Rules): Obligations and Defences

Art III(1) seaworthiness and cargoworthiness duty, Rules and doctrine of stages, Art III(2) duty to properly and carefully load stow and discharge, free-in free-out terms, Art. IV(2)(a)-(b) defences, Art. IV(2)(c)-(q) defences, Burden of proof (UKSC Volcafe case).

Day 6

12
Mac
2021

Liability/Time Limits, and Shipper's Liability for Dangerous Goods

Carrier's Liability Limitation (Hague and Hague-Visby Rules amended by SDR Protocol)

Art VIII (tonnage limitation preserved), Art IV(5), Sarawak 1960/Sabah 1961 Regulations RM850 limit.

One-Year Time Limitation

Art III(6), Art. III(6)bis (time-limit for indemnity actions).

Shipper's Liability for Dangerous Goods

Common law, Art. IV(6).

Module 3: Charterparties
[4 days]

Day 7

19
Mac
2021

Introduction to Charterparties

Types

Demise, time, voyage, trip, slot.

Common Terms

Clause paramount, deck cargo risk allocation, exceptions clauses, construction of competing clauses.

Cancelling Date

Approach Voyage

Dispute Resolution



Day 8

**26
Mac
2021**

Voyage Charter: Freight and Lien

Freight v Hire

Bases of Freight Calculation

Freight Earned, Freight Payable, No Set-Off Rule

Obligation of B/L Holder for Freight

Cesser Clause

Lien

Common law lien (on cargo), Contractual lien (on sub-freight), Exercise of Lien.

Day 9

**9
Apr
2021**

Voyage Charter: Laytime and Demurrage

Laytime Definitions

Calculation of laytime, Weather working day

Starting of Laytime

Notice of Readiness, Arrived Ship (port charter, wipon clause, berth charter, wibon/time lost/reachable on arrival/always accessible clauses), Ready to load/discharge.

Laytime Exceptions

Demurrage, Detention and Termination



Day 10

16
Apr
2021

Time Charter

Legitimate v Illegitimate Orders

Breach v Indemnity Claims

Common Orders

Issuing bills of lading, Cargoes to be loaded, Ports to call, Delivery against indemnity.

Termination and Withdrawal (NYPE and BALTIME forms)

Hire payment obligation, termination, withdrawal and anti-technicality clause, suspending performance.

Off-Hire (NYPE and BALTIME forms)

Redelivery

Redelivery window, Early redelivery, Late redelivery.

Inter-Club Agreement (ICA)

Liability Apportionment for Cargo Claims

Module 4: Admiralty and
Arbitration [2 days]

Day 11

23
Apr
2021

Admiralty

Admiralty Jurisdiction

Admiralty Jurisdiction (UK Senior Courts Act 1981 s 20), Exercise of Admiralty Jurisdiction (in personam and in rem actions under s 21), Limitations to Exercise of Admiralty Jurisdiction (s. 22)

Ship Arrest, Security and Release

Caveat against Arrest

Caveat against Release and Payment

Omnibus order

Order for Sale and Priority of Claims

Limitation Actions

Preliminary Acts



Day 12

30
Apr
2021

Arbitration

Arbitration Act 2005

Arbitral Process, Applications to court (pre arbitration, during-arbitration, post-arbitration),
Anti-suit injunctions, Anti-arbitration injunctions.

Maritime Arbitrations

In London (LMAA), Singapore (SCMA) and New York (SMA) under BIMCO Charterparty Forms
clauses.

