

## **MSc International Maritime Studies (IMS): Shipping and Commercial Law**

### **Course Summary**

The main areas of study are:

- Management of Shipping Operations
- Shipping, Ports and Safety
- Shipping and Admiralty Law
- Maritime Business Law

### ***Shipping Ports & Safety (30 Cat Points)***

This unit provides students with an appreciation of the driving forces, key issues, problems and both past and present trends associated with the operation of shipping and ports. Additionally, the unit examines the major organisations and issues associated with maritime safety and explores ways of improving safety within the maritime industry.

#### *Areas of Study:*

- a) Shipping: The nature and regulation of international shipping and sea-borne trade. National and regional shipping policies. The roles, responsibilities and inter-dependency of supporting maritime organisations.
- b) Ports: Port services, management and development. Port waste reception facilities and the role of the port environmental manager. Emergency response planning.
- c) Safety: Vessel/offshore structure design, construction and operation. Health, safety and environmental issues in ships, ports and offshore structures including: key safety and pollution-related legislation/conventions, the Formal Safety Assessment (FSA), the "Safety Case", the Best Possible Environmental Option (BPEO) and the "As Low As Reasonably Practicable" (ALARP) principle. Port Marine Safety Code (PMSC). Aids to Navigation (AtNs). The "Human Element" aspect of marine accidents. The impact of advancing technology.

#### *Teaching & Learning Strategy:*

Understanding and essential knowledge relating to each area of study is developed through a mixture of lectures and seminars, with supporting network-based notes and self-assessment questions, as well as visits and directed learning. Key cognitive skills are developed through the evaluation of case studies and a management simulation exercise/workshop. A combination of written assignments, seminars, student presentations and the workshop develop communication & "team-player" skills. Scenario-based problem-solving together with an examination develop "brain-storming" skills.

### ***Management of Shipping Operations (30 Cat Points)***

This unit provides students with an understanding of the total management issues required in managing a shipping operation both on board ship and ashore. The inter-

relationship of management throughout the operation and how ship and shore are linked is studied to promote an understanding of how this will enhance the commercial and safety aims of the maritime venture. These issues are examined having due regard to the requirements of major international maritime legislation.

*Areas of Study:*

- a) The role of management on board ship.
- b) The role of management ashore.
- c) The requirement for management structures to implement international maritime legislation.
- d) Risk assessment and risk management.
- e) Crisis management.
- f) Quality management standards and their implementation.
- g) The International Ship Management Code.
- h) Environmental management.
- i) Maritime Human Resource Management
- j) Commercial shipping management
- k) Managing port and ship security

*Teaching & Learning Strategy:*

The understanding and essential knowledge required for each area of study is developed through a combination of lectures and seminars. These are supported by notes available on the intranet, by self-assessment questions, visits and directed learning. Key cognitive skills are developed through the evaluation of case studies. A simulated incident will use all the management techniques studied during the course. A combination of written assignments, seminars and student presentations are used to ensure that the student has acquired the various management techniques and is able to apply these to a real life situation

***Shipping & Admiralty Law (30 Cat Points)***

This unit provides the opportunity for the student to critically evaluate the development, aims and applications of International Maritime Law and Admiralty Law. Special attention is given to problem-solving through the use of a negotiating exercise.

*Areas of Study:*

- a) International Law: The nature, principles and formulation of International Maritime Law. The transposition of international law into state law. The rights and duties of states.
- b) UNCLOS III: The rights and duties of both signatories to the convention and third parties. The negotiated settlement of UNCLOS related disputes. The 1974 SOLAS Convention; the International Convention for the Safety of Life at Sea 2002; the International Ship & Port Facility Security Code.
- c) The regulation of air pollution with regard to ports facilities; offshore structures, and shipping. The KYOTO Protocol and subsequent agreements.
- d) International Maritime Organisation (IMO) Conventions, and European Maritime legislation with regard to marine pollution.
- e) Collision; Salvage; General Average; Liability for Pollution; Limitation of Liability; Arrest & Mareva Injunction, Jurisdiction & Choice of Law

- f) International Sale of Goods: The implications for the parties to a contract of sale of the terms used with regard to their obligations for insuring and arranging the transportation of the goods. The use of Inco terms in a sale of goods contract
- g) Charter-parties: Implied terms in charter-party types of charter-parties. Types of charter-parties the advantages and disadvantages of each to the charterer and shipowner
- h) Shipping Documents: Bills of Lading and their relevance to the parties to a contract of carriage. The duties, obligations and rights of the parties to a contract of carriage. The Hague, Hague Visby and Hamburg Rules
- i) Marine insurance: The principles and types of marine insurance. General Average and the application of the York Antwerp Rules.

*Teaching & Learning Strategy:*

Understanding and essential knowledge relating to each area of study is developed through a mixture of lectures and seminars, with supporting network-based notes and self-assessment questions, as well as visits and directed learning. Key cognitive, “team-player” and negotiating skills are developed through the evaluation of case studies and group simulation/role-playing exercises. Scenario-based written assignments and seminar-based presentations develop communication and “brain-storming” skills.

***Maritime Business Law (30 Cat Points)***

This unit focuses on theories and practices involved in business law as it relates to the maritime industry. Evolving and contested cases are examined and patterns and process of conflict and dispute resolution are reviewed.

This unit will enhance the student’s learning experience and stimulate learning outcomes by challenging the student to explore issues in Maritime Law from the mature outlook of the Post Graduate level. Now their conceptions of the maritime world have changed with their studies - as a result they see that world differently, so that they are able to evaluate a specific issue for themselves, and form a personal view about its validity. This will be particularly valuable in so far as the unit takes forward elements of the content introduced in the Shipping and Admiralty Law unit, so the two units complement each other.

The unit presents challenging issues, in areas which are not only those established as important to a well-developed Masters student’s appreciation of Shipping and Commercial Law but, also, address current contentious and evolving areas.

*Areas of Study:*

- a) Theories of Law - Sources of English Law: Common Law and Statute Law  
The Evolution of English Shipping and Commercial Law; Conflict of Laws and Forum Shopping; International Law of the Sea
- b) Theories of Business – Commercial Law in the European Union; Ship ownership and Flags of Convenience; Essential Law for Companies; Elements of Risk; Managing the Risk; Management of Change in Shipping Law; Elements of Maritime Commerce; The Role of Insurance in Maritime Commerce; Problems in Maritime Commerce; Contract and Commercial Law; Comparative Laws in International commerce: Conflicts between English and Roman Law
- c) Theories of Dispute Resolution - Patterns and Processes for Dispute Resolution by ADR; The Director / Principal’s Duties; The Master’s Duties; The Master-Pilot relationship; The Criminalisation of the Master; Corporate Accountability

### *Teaching & Learning Strategy:*

The understanding and essential knowledge required for each area of study is developed through a combination of lectures and seminars. These are supported by directed learning and associated independent research. Cognitive and key skills are developed through the evaluation of case studies and propositions by independent and collaborative theorising and hypothesising. A combination of written assignments, interactive seminars and moots are used to ensure that the student has acquired the practical and professional skills. The use of case studies forms an important part of this strategy, with a range of challenging activities from debates to full role-play exercises such as moots, in which the unique talents of each individual could well result in outcomes which were quite different in the original cases! Examples of case studies include the *Tricolor* and the *Torepo*; and putting on Trial the White Star Line to test whether the Company would be convicted for the loss of the *Titanic* under the Corporate Manslaughter and Corporate Homicide Act 2007.

### **Project (60 Cat Points)**

Marine professionals need to develop and demonstrate competence in identifying, investigating and analysing problems associated to their existing, or potential, areas of responsibility. They need to be able to communicate the findings effectively, in both written and oral forms, to influence others and changes in policy or practices. This unit develops these skills, from identifying an area for research, through planning and implementing a programme of research, to analysing, evaluating, interpreting and communicating the findings. These skills are applied to an area relevant to the programme of study and in an area of personal interest to the student. The unit also provides opportunity to carry out research and further development in an area relevant to a student's future career.

### *Areas of Study:*

- a) Topic Selection: The student will identify the area of research for him/herself. It is expected that the project will cover a minimum of two areas of the Taught Component of the course, in line with the multi-disciplinary nature of each programme. There are no pre-conceived ideas regarding the specific subject matter although it should be relevant to the student's course.
- b) Research Skills: Identification of the topic area; definition of the problem; development of aim, hypothesis and objectives; literature and background study; identification and application of appropriate methods; analysis, evaluation and interpretation of findings; critical appraisal of the work undertaken; and communication of the programme of research.
- c) Level of Study: In-depth understanding and knowledge will be developed in the subject area of the selected topic. This will also be placed in context of previous subject-specific research and the wider context of the course being studied.

### *Teaching & Learning Strategy:*

The project is conducted largely by independent learning. Each student receives a thorough grounding in research planning and research methodologies through the skills developed in each of the taught units, and by a programme of additional seminars during Period 2 of the academic year. As part of this process during Period 2, each student will develop a written proposal for their research project, guided firstly by completing an Outline Proposal pro-forma, and secondly, by completing a

Detailed Proposal pro-forma. The Detailed Proposal will include the proposed title, aim(s), hypothesis, objectives, rationale, background literature survey, methodology, assessment of resources, schedule, feasibility and risks.

Each student is allocated two Project Supervisors. The first supervisor will be within subject areas appropriate to that of the project, and provide subject specific supervision. The second supervisor will have a wider role of maintaining an overview of the research process. As such the second supervisor does not need to be a subject specialist, but will normally be an experienced researcher with a recognised research qualification. The supervisory team will be appointed by the Project Co-ordinator during Period 2, in consultation with each student and the senior academic with responsibility for staffing. As the project is carried out during Period 3 of the programme the two supervisors will ensure that at least one is generally available to the student over the summer period. Meetings between Project Supervisors and the student will be arranged as and when they are deemed necessary, but it is likely that the student will meet with one or more supervisors at least once every three weeks. A student who is undertaking their project overseas will be encouraged to keep their supervisory team informed of progress by email or other means, and will also be encouraged to find and use one or more “advisors” who are local to the study area. Each student will also be encouraged to use the guidance of the wider course team during the summer period if the appointed supervisors are unavailable. Each student will gain formal approval of his/her detailed project proposal from the Project Panel, comprising all Project Supervisors, prior to the commencement of the actual project. This panel will meet during the examination period at the end of Period 2 and either approve, require amendments, or require re-submission of each proposal. The Project Panel will provide written feedback to each student on their proposal.

A Project Handbook is issued to each student to provide guidance on the format and presentation style of the Dissertation, and submission and assessment details. Students will be required to submit a written progress report not later than five weeks after commencing the project, as an opportunity to critically review the work undertaken, work still planned, and also to practice the standard of written work expected in the finished dissertation.

Projects conducted in conjunction with external organisations are seen as being of immense benefit both to the student and to the organisation concerned. In particular, it is expected that overseas students will participate in projects associated with their own countries.

Every encouragement and assistance will be given to students to publish aspects of their work within professional journals providing agreement can be reached with the student’s host organisation, if applicable.