

Marsden and Gault
Collisions at Sea

SWEET & MAXWELL

BRITISH SHIPPING LAWS

Marsden and Gault on Collisions at Sea

FOURTEENTH EDITION

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**MARSDEN AND GAULT
ON COLLISIONS AT SEA**

PREFACE TO THE FOURTEENTH EDITION

The 13th Edition of *Marsden on Collisions at Sea* was published in 2003. The 14th Edition is published in 2016 as *Marsden and Gault on Collisions at Sea* in recognition of Simon Gault's restructuring of the work in the 12th Edition and his work as General Editor in the 12th, 13th and 14th Editions. Steven Hazelwood joins him as joint General Editor in the 14th Edition and the strong editorial team now consists of Andrew Tettenborn, Stephen Girvin, Edward Cole, Tom Macey-Dare and Maureen O'Brien. The Appendices have been added to and updated by Ken McLean, Jeremy Russell QC, Nicholas Gaskell, Terry Hughes, Brian Corlett and Julian Brown. Considerable thanks are due to all of them for their important contributions to this edition. We are also grateful to the Admiralty Solicitors Group for permission to reprint their standard wordings in Appendix 5.

The 14th Edition aims to set out the law as the current law of England on the rights and liabilities arising from collisions at sea on October 1, 2014 but it has been possible in Chapter 18 and Appendix 4 to reflect the amendments to the LLMC 1996 which entered into force internationally on June 8, 2015.

This edition has been restructured slightly by dealing with the Collision Regulations in one chapter (Chapter 5—Navigation) and by a new chapter on management (Chapter 6—Ship Management). This chapter covers the STCW Convention and the ISM Code. Time-Bars and Limitation now have their own chapter (Chapter 12). Liability in Rem also has its own chapter (Chapter 14). The appendices have been re-ordered and Ken McLean has added a valuable appendix (Appendix 1) on the United Nations Convention on the Law of the Sea and Julian Brown has contributed a valuable appendix on Radio-Navigation Systems (Appendix 12).

Chapter 10 (Oil Pollution) is now much longer and takes account of the Supplementary Fund 2003, the Bunkers Convention 2001 and HNS 1996/2010.

Chapter 17 (Damages) considers loss of use damages since *The Vicky I* [2008] EWCA Civ 101; [2008] 2 Lloyd's Rep. 45 and *Coles v Hetherton* [2013] EWCA Civ 1704; [2014] 3 All E.R. 377.

Chapter 18 (Limitation) has been largely re-written to take account of the LLMC Protocol and all the reported limitation cases since 2003 (e.g., *Strong Wise Ltd v Esso Australia Resources Pty Ltd* [2010] FCA 240; *CMA CGM SA v Classica Shipping Co Ltd* [2004] EWCA Civ 114; *Metvale Ltd v Monsanto International SARL* [2008] EWHC 3002 (Admlty); *Peracom Inc v Telus Communications Company* 2014 S.C.C. 29; [2014] 2 Lloyd's Rep. 315) and the new 2015 limits to the LLMC.

Chapter 19 (Foreign Law) considers the *Rome II Regulation*.

Chapter 22 (Criminal Liability) includes *Kulemesin v Hong Kong Special Administrative Region* [2013] HKCFA 14; [2013] 2 Lloyd's Rep. 367; *R v Goodwin (Mark)* [2005] EWCA Crim 3184.

Preface to the Fourteenth Edition

We are grateful to all those who helpfully suggested improvements to earlier editions. Where possible we have tried to give effect to such suggestions. As always, our publishers have been more helpful and patient than we deserve. We alone remain responsible for any unwitting errors or omissions in this edition.

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