

Casebook on Shipping Law

THIRD EDITION

E. R. H. Ivamy

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CASEBOOK

ON

SHIPPING LAW

By

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PREFACE

The aim of this new edition is the same as in previous ones, i.e., to collect together in a convenient form the leading and important cases in the field of Shipping Law. At the head of each case there is a short statement of the principle involved. This is followed by a summary of the facts, the decision given and an extract from the judgment.

Part I ("Sale, Mortgage and Lien") has been revised in view of the replacement of the Sale of Goods Act 1893 by the Sale of Goods Act 1979. To this Part has been added *Piccinini v. Partrederiet Trigon II: The "Alfred Trigon"* [1981] 2 Lloyd's Rep. 333, which concerned the meaning of the words "free of average damage affecting class".

Included in Part II ("Carriage of Goods by Sea") are *A/S Awilco v. Fulvia S.p.A. di Navigazione: The "Chikuma"* [1981] 1 Lloyd's Rep. 371, H.L. (payment of hire), *Actis Co. Ltd. v. Sanko Steamship Co. Ltd.: The "Aquacharm"* [1982] 1 Lloyd's Rep. 7, C.A. ("off-hire" clause) and *Federal Commerce and Navigation Ltd. v. Molena Alpha Inc.: The "Nanfri"* [1979] 1 Lloyd's Rep. 201, H.L. (deduction from hire).

Set out in Part III ("Collisions and Limitation of Liability") are *The "Alastor"* [1981] 1 Lloyd's Rep. 581, C.A., in which it was held that a shipowner, who is acting as the master of a vessel, is entitled to limit his liability even though he has been negligent, and *Afromar Inc. v. Greek Atlantic Cod Fishing Co.: The "Penelope II"* [1980] 2 Lloyd's Rep. 17, C.A., where it was decided that the Court could grant a decree of limitation of liability of a shipowner's liability even though only one claim is made against him.

China Pacific S.A. v. Food Corporation of India: The "Winson" [1982] 1 Lloyd's Rep. 117, H.L., in which salvors successfully claimed expenses incurred in storing salvaged cargo as part of a salvage award, is dealt with in Part IV ("Salvage, Towage and Pilotage").

Part VII ("Admiralty Jurisdiction and Practice") now refers to the Supreme Court Act 1981, and has been expanded by the inclusion of *The "Merdeka"* [1982] 1 Lloyd's Rep. 401 (contempt of Court) and *The "Silia"* [1981] 2 Lloyd's Rep. 534 (meaning of the word "ship" in an action *in rem*).

I am grateful to Butterworth & Co. (Publishers) Ltd. (the publishers of the "All England Law Reports") and to "Lloyd's Law Reports" for giving me permission to use extracts of the judgments from the reports concerned.

I should like to thank Mr P. F. Vivian, of the Legal Publishing and Conferences Division, Lloyd's of London Press Ltd., for seeing the book through the press.

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University College London
October 1982.

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