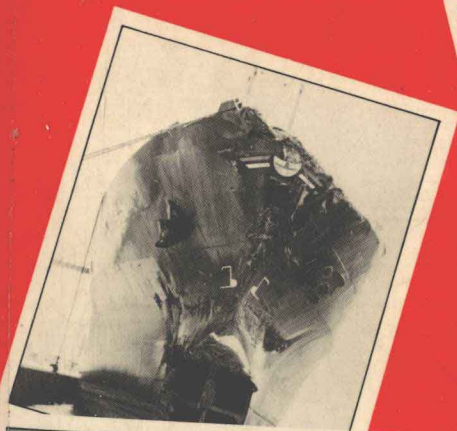


Chorley & Giles'

Shipping Law

Eighth Edition

**N J J Gaskell, C Debattista
and R J Swatton**



CHORLEY AND GILES' SHIPPING LAW

EIGHTH EDITION

N J J GASKELL · C DEBATTISTA
AND R J SWATTON

Institute of Maritime Law
University of Southampton



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PREFACE TO THE EIGHTH EDITION

O.C. Giles the surviving co-author of *Chorley and Giles* died in 1980 shortly after the publication of the seventh edition. Together with Lord Chorley, he established the book as a leading text on the basic principles of shipping law. Consequently, we are extremely pleased to have been asked to produce the eighth edition of this much loved work, and have striven to maintain its established tradition of clarity and readability, while at the same time providing a thorough and accurate updating of the work.

In the last six years there have been many changes and developments in shipping law. Apart from the many new cases, Statutes and a host of Statutory Instruments, we have also referred to significant developments in the international scene which reflect the universal nature of shipping law. Further, to enhance the practical nature of the work, we have referred wherever possible to standard contracts which commonly form the basis of unofficial legal codes created and understood by those in the trade.

Particular reference has been made to new Statutes such as the Merchant Shipping Acts 1981, 1983, 1984, the Pilotage Act 1983, the Dangerous Vessels Act 1985, and the Merchant Shipping (Liner Conferences) Act 1982, as well as to the amendments to the jurisdiction of the courts brought about by the Supreme Court Act 1981 and the Civil Jurisdiction and Judgments Act 1982. Developments with international conventions such as SOLAS and MARPOL have required the virtual rewriting of the chapter on construction, maintenance and equipment to take account of resulting Statutory Instruments. The chapter on limitation of liability now emphasizes the enactment in the UK of the 1976 Limitation Convention, on 1 December 1986, and the bringing into force of the relevant provisions of the Merchant Shipping Act 1979. The field of carriage of goods by sea has been marked by a prolific amount of case law, and detailed treatment of developments here has had to be selective lest the generalist nature of the book be seriously impaired. Within this constraint, we have attempted to make due mention of *The Evia*, *The Scaptrade*, and *The Chicuma* in charterparty law; *The New York Star*, *The Elli 2*, *Mayhew Foods v. OCL* and *The Morviken* in the law relating to bills of lading; *The Varenna* and *The*

Miramar in the area of bills of lading under charterparties; *The Aliakmon* on the right of receivers of goods to sue carriers; and finally the possible impact of *Photo Production v. Securicor* on the law of carriage of goods generally. In our coverage of marine insurance, we have included for the first time a discussion of the new MAR policy form and its various associated Institute clauses, including the Institute Cargo Clauses 1982 and the Institute Time Clauses (Hulls) 1983. Reference has also been made to the Lloyds Act 1982 and recent cases such as *The Salem*, *The Popi M*, *The Bamburi* and *General Reinsurance v. Forsäkringsaktiebolaget Fennia Patria*.

It was not our original intention to make radical changes to such an established and well respected work, particularly in view of the time available for the revision. However, in view of the many developments in the law referred to above, it has been found necessary to rewrite a larger portion of the text than was at first intended. In this context, the opportunity has also been taken to divide the existing work into smaller, more manageable chapters with a uniform system of subheadings which we hope will clarify the overall structure. There is a new introductory chapter on legal disputes concerning ships which draws together material from a variety of locations in the previous edition, as does the new chapter on time bars. The treatment of limitation of liability has been moved from the beginning of the book so that it can be considered after the main liability issues. Despite such changes, we hope that the book retains the imprint of the original co-authors.

Although we accept joint responsibility for the whole, the revision of Parts 1 and 3 were undertaken by Nick Gaskell, Part 2 by Charles Debattista and Part 4 by Richard Swatton.

We would like to thank our long suffering families and friends, especially Louise and Maryann. We should also like to make special mention of our colleagues in the Institute of Maritime Law, particularly David Jackson, Alison Clarke and Richard Holt for their advice and assistance. We are also grateful to Pitmans for their patience and understanding throughout the production of this edition.

Although we aimed to state the law as at 1 January 1986, we have endeavoured to take into account developments up to 1 January 1987.

Southampton
February 1986

NJJG
CD
RJS

PREFACE TO THE FIRST EDITION

The need of a general elementary textbook on the law relating to shipping has long been felt by students of the subject and, particularly, by those embarking upon a commercial rather than a legal career; to these the technicalities in the numerous excellent practitioners' works on various aspects of the subject present a formidable obstacle. We have endeavoured in this volume to fill the gap, and we have had in mind the commerce rather than the professional legal student.

This book deals in an elementary way with all the aspects of the law with which those engaged in the business of owning and managing ships are likely to meet. The text was completed early in the war, when printing difficulties prevented publication. Wartime decisions and legislation affecting points of general importance have been noticed, and we are particularly grateful to Sir William McNair, K.C., of the commercial bar, for giving us his valuable advice in regard to these developments.

We have made no attempt to deal with the special wartime controls and regulations. It is not improbable that some of these have come to stay, but we have considered it too early to deal with such developments which, in any event, are not likely to change the permanent framework of the law as described in these pages.

CHORLEY

O.C. GILES

*London School of Economics
and Political Science*

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We also owe a special debt of gratitude to our colleagues on the secretarial staff of the Institute of Maritime Law and of the Faculty of Law at Southampton, particularly Marion Dalton, Alison Lampard and Margaret Newton.

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