

Specialist Accreditation Scheme

Maritime and Shipping Law

This guide is for legal practitioners who are applying for specialist accreditation in Maritime and Shipping Law.

For enquiries relating to the scheme, contact:
Specialist Accreditation Scheme
Singapore Academy of Law
1 Supreme Court Lane
Level 6, Supreme Court of Singapore
Singapore 178879
Tel: +65 6332 4388
Email: accreditation@sal.org.sg

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1. Definition

- 1.1. *Maritime and shipping legal practice.* This is the practice of law relating to all aspects of shipping and admiralty matters but is not limited to advisory, documentation and disputed-related work for all stakeholders of the shipping industry including ship owners, charterers, operators, shipbuilders, cargo interests, insurers and financial institutions.

2. What this Guide Covers

- 2.1 The Specialist Accreditation Scheme attempts to apply the same accreditation framework, as set out in the Information Guide for Applicants - General, across all practice areas.
- 2.2 In cases where there are additions to and/or deviations from the said accreditation framework for a particular practice area, a separate Guide for that practice area will state those deviations.
- 2.3 This Guide covers the examination topics for Maritime and Shipping Law.

3. Examinations

- 3.1 Candidates who have applied to be Accredited Specialists will be tested on the following topics:

Module 1. Ship Sale and Purchase

- a. The nature of the market
- b. Underlying legal principles
- c. Newbuild market and contracts
- d. S & P market and contracts
- e. Ship registration
- f. The Singapore Registry of Ships (SRS)
- g. Ship management
- h. Example Standard Forms

Module 2. Ship Finance

- a. Equity finance including shipping joint ventures
- b. Debt finance and the bond market
- c. Financing (1): secured lending; leasing; sale & leaseback
- d. Financing (2): ship finance documents: term sheet; loan agreements (syndication and bilateral); security documents
- e. Loan facility
- f. Security interests

Module 3. Carriage of Goods by Sea

- a. Functions of carriage documents (1): receipt
- b. Functions of carriage documents (2): evidence
- c. Functions of carriage documents (3): document of title
- d. Delivery obligation
- e. Terms of carriage (1): actual/performing carriers; express/implied terms
- f. Terms of carriage (2) Hague (and Hague-Visby) Rules
- g. Incorporation of charterparty terms
- h. Documents of carriage in the hands of the charterer
- i. Freight
- j. Multimodal and intermodal contracts
- k. Electronic bills of lading
- l. Example Standard Forms

Module 4. Charterparties

- a. Charterparties overview
- b. Voyage charterparties (1): preliminary voyage; loading voyage; loading operation; the carrying voyage; discharging operation
- c. Voyage charterparties (2): principles of laytime and demurrage
- d. Time charterparties (1): description and condition of the vessel; delivery; period of hire; payment for hire; off-hire
- e. Time charterparties (2): deductions from hire; withdrawal for non-payment; employment and agency; contractual liens; redelivery
- f. Bareboat/demise charterparties
- g. Pools: conference lines, pooling arrangements, *Duncan, Cameron Lindsay v Diablo Fortune Inc* [2017] SGHC 172
- h. Example Standard Forms

Module 5. Marine Insurance

- a. Marine Insurance Act 1906, Cap 387/Insurance Act 2015, Cap 4 (UK)
- b. Types of policies
- c. Disclosure (utmost good faith)

- d. Warranties
- e. Marine perils
- f. Proximate cause
- g. P & I insurance
- h. Losses
- i. Averting and minimising loss
- j. War risks: Singapore war risks mutual
- k. Example Standard Forms

Module 6. International Sale of Goods and Finance

- a. Domestic sales (Sale of Goods Act 1979, Cap 393) and international sales framework (INCOTERMS)
- b. Terms/implied terms
- c. f.o.b. contracts
- d. c.i.f. contracts
- e. Passing of property
- f. Transfer of risk
- g. Trade financing
- h. Example Standard Forms

Module 7. Admiralty (Maritime) Law

- a. Limitation of liability
- b. Standard Forms

Module 8. Admiralty Claims

- a. High Court (Admiralty Jurisdiction) Act, cap 123; Rules of Court, Order 18 rule 19 (Striking out pleadings and endorsements), Order 29 (Interlocutory injunctions, interim preservation of property, interim payments, etc), Order 70 (Admiralty Proceedings) and leave to appeal provisions; Supreme Court Practice Directions, Part XVI
- b. Nature of maritime claims: claims *in rem* and *in personam*
- c. Maritime and possessory liens
- d. Insolvency (Companies Act, Cap 50, Part X)
- e. Limitations on the exercise of admiralty jurisdiction
- f. Enforcement of claims (1): issue/ service of writ
- g. Enforcement of claims (2): arrest; wrongful arrest
- h. Procedure: provision of security; release from arrest; applications relating to property; interveners; appraisalment and sale
- i. Ship mortgages: registration and scope; rights and liabilities of mortgagor/mortgagee; enforcement
- j. Priorities: shipping legislation, collisions, salvage, towage, pilotage

Module 9. Maritime Conflict of Laws

- a. Jurisdiction (1): choice of forum / *forum non conveniens*
 - b. Jurisdiction (2): security arrests; parallel proceedings and anti-suit injunctions
 - c. Jurisdiction (3): arbitration; seat of arbitration; party autonomy and limits (International Arbitration Act, Cap 143A)
 - d. Applicable law (1): choice of law in maritime contracts (Choice of Court Agreements Act 2016, No 14)
 - e. Applicable law (2): mandatory statutes and conventions (Carriage of Goods by Sea Act 1971, Cap 33)
 - f. Recognition and enforcement of foreign maritime judgments and arbitral awards (Choice of Court Agreements Act 2016, No 14)
- 3.2 The examination comprises Parts A and B. Part A covers Modules 1, 2, and 5 (3 hours), while Part B focuses on Modules 3, 4, 6, 7 to 9 (3 hours).