

DEREE COLLEGE SYLLABUS FOR: MG 4112 CARRIAGE OF GOODS BY SEA

(Updated Fall 2021)

UK LEVEL: 6
UK CREDITS: 15
US CREDITS: 3/0/3**PREREQUISITES:**

MG 3058 International Shipping Policy

CATALOG DESCRIPTION:

The framework of carriage of goods by sea pursuant to an international sale of goods contract and the fundamental concepts concerning rights and liabilities of parties in the procedure of transportation of those goods.

RATIONALE:

Practitioners in the shipping industry must be aware that no international sale or bills of lading contract exists in a vacuum: both contracts will frequently involve goods being carried on a chartered ship with or without financing. In this course students will develop their understanding of the relationship between the sale and bill of lading contracts as well as the rights and liabilities under charterparties and move on to examine in depth the legal principles (i) of three main charters that exist: (a) the time charter, (b) the voyage charter and (c) the demise or bareboat charter; and (ii) of dispute resolution in shipping and enforcement procedure including the arrest of ships. Activity-specific knowledge and understanding in the shipping industry is provided.

LEARNING OUTCOMES:

- As a result of taking this course, the student should be able to:
1. Elaborate on the different types of Carriage of Goods by sea Contracts and Bills of Lading and explain the main legal principles that govern them.
 2. Choose which type of Sale of Goods Contracts and payment methods may be preferred by the parties involved in international trade transactions.
 3. Solve practical problems within modern-day business ethics framework related to the contractual and operational aspects of Carriage of Goods by Sea, and compare standard forms of maritime contracts.
 4. Test the options in an enforcement/ resolution scenario and propose the optimum option taking into account commercial considerations.

METHOD OF TEACHING AND LEARNING:

- In congruence with the learning and teaching strategy of the college, the following tools are used:
- Classes consist of lectures, discussions, collaborative in-class small projects, experiential exercises and discussion of actual cases by the course instructor as well as guest speakers specialists in their respective practice area.
 - Office Hours: Students are encouraged to make full use of the office hours of their instructor in order to consult and discuss issues related to the course's content.

	<p>➤ Use of blackboard, where instructors post lecture notes, assignments instructions, announcements, as well as additional resources.</p>								
<p>ASSESSMENT:</p>	<p>Summative:</p> <table border="1" data-bbox="574 275 1317 436"> <tr> <td>First Assessment: Written Project (Individual; 2,300-2,700 words)</td> <td>60%</td> </tr> <tr> <td>Final Assessment: Final Examination (Essay-type questions)</td> <td>40%</td> </tr> </table> <p>Formative:</p> <table border="1" data-bbox="574 468 1317 569"> <tr> <td>Coursework - case studies and experiential exercises</td> <td>0%</td> </tr> <tr> <td>In-class 1-hour “diagnostic” test - formative</td> <td>0%</td> </tr> </table> <p>The formative coursework aims to prepare students for the final examination.</p> <p>The written project tests Learning Outcomes 1 and 3. The final examination tests Learning Outcomes 2, 3, and 4.</p> <p>Students are required to resit failed assessments in this module.</p>	First Assessment: Written Project (Individual; 2,300-2,700 words)	60%	Final Assessment: Final Examination (Essay-type questions)	40%	Coursework - case studies and experiential exercises	0%	In-class 1-hour “diagnostic” test - formative	0%
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<p>INDICATIVE READING:</p>	<p>REQUIRED READING:</p> <p>Murray, Carole, Holloway, David, Timson-Hunt Daren Schmitthoff: The Law and Practice of International Trade, Sweet & Maxwell; (latest edition)</p> <p>RECOMMENDED READING:</p> <p>Aikens, R., Lord R., & Bools M., (2015). Bills of Lading, Informa Law, Routledge</p> <p>Berlingieri Francesco, International Maritime Conventions (Volume 1): The Carriage of Goods and Passengers by Sea, Informa Law from Routledge; 1 edition (July 14, 2014)</p> <p>Bridge, M. G. (2018). The international sale of goods. Oxford University Press, 4th edition</p> <p>Carr, Indira, Stone, Peter, International Trade Law, Routledge; 6th edition (November 27, 2017)</p> <p>Eder, Henry Bernard, Scrutton on Charterparties and Bills of Lading, Sweet & Maxwell; 24th edition (December 31, 2019)</p> <p>Fernández, J. E. (2021). <i>Jurisdiction and Arbitration Agreements in Contracts for the Carriage of Goods by Sea: Limitations on Party Autonomy</i>. Taylor & Francis</p> <p>Gaskell, N. (2017). Bills of Lading 2e: Law and Contracts. Routledge</p> <p>Glass D. (2012). Freight Forwarding and Multi Modal Transport Contracts, Routledge</p> <p>Møllmann, A. (2017). Delivery of goods under bills of lading. Routledge</p>								

	<p>Rogers, A., Chuah, J., & Dockray, M. (2019). Cases and Materials on the Carriage of Goods by Sea. Routledge</p> <p>Rogers, A. (2020). The Rotterdam Rules: The UN Convention on contracts for the international carriage of goods wholly or partly by sea. The Journal of International Maritime Law, 26(3), pp. 213-214</p> <p>Todd, P. (2013). Bills of Lading and Bankers' Documentary Credits, Routledge</p> <p>Thomas, R. (Ed.). (2017). The carriage of goods by sea under the Rotterdam Rules. Taylor & Francis</p> <p>Thomas D.R. (2020) The Legal Concept and Significance of Clean Shipping Transport Documents. In: Mukherjee P., Meija, Jr. M., Xu J. (eds) Maritime Law in Motion. WMU Studies in Maritime Affairs, vol 8. Springer, Cham</p> <p>Willson, John (2010). Carriage Of Goods By Sea, Pearson</p>
<p>INDICATIVE MATERIAL: (e.g. audiovisual, digital material, etc.)</p>	<p>REQUIRED MATERIAL: N/A</p> <p>RECOMMENDED MATERIAL: N/A</p>
<p>COMMUNICATION REQUIREMENTS:</p>	<p>Use of appropriate academic conventions as applicable in oral and written communications.</p>
<p>SOFTWARE REQUIREMENTS:</p>	<p>Microsoft Office: Word, Excel</p>
<p>WWW RESOURCES:</p>	<p>www.admiraltylawguide.com www.bmla.org.uk www.lmaa.org.uk www.i-law.com www.lloydslist.com www.imo.org www.iacs.org.uk www.cisg.law.pace.edu https://www.bimco.org/</p>
<p>INDICATIVE CONTENT:</p>	<ol style="list-style-type: none"> 1. Introduction to the Carriage of Goods by Sea and International Sale of Goods within modern-day business ethics framework 2. Carriage by Sea and General Law of Contract 3. Introduction to types of Carriage of Goods by Sea Contracts and governing Legal principles 4. Charterparties (Bareboat, Time and Voyage Charterparties, Contracts of Affreightment) – Nature, Terms and Conditions 5. Carriage other than Charterparties (Bills of Lading, Electronic Bills of Lading and similar instruments) – Nature, Functions, Terms and Conditions), 6. International conventions for the Carriage of Goods by Sea: the Hague Visby Rules, the Hamburg Rules and the Rotterdam Rules 7. International sales legal framework and Incoterms 8. Uniform rules applied to International methods of payment (Letters of Credit, Documentary Collections) 9. Dry Liabilities under the various Contracts of Carriage and Dispute Management (Enforcement of claims and Ship Arrests)