

## **LL4002V/LL5002V/LLD5002V/LL6002V Admiralty Law and Practice**

Singapore is an important international maritime hub. Its courts and arbitral tribunals are called upon each year to resolve a significant number of maritime disputes. This course focuses on the law and procedure relating to maritime claims and their enforcement. It is intended to complement the smorgasbord of substantive commercial maritime law courses offered by the Faculty, such as **Carriage of Goods by Sea, Multimodal Transport Law, Charterparties** and **Maritime Law**. Every aspiring maritime lawyer must at least have some knowledge and experience of the law relating to the admiralty jurisdiction, maritime claims and their legal enforcement. Indeed, such knowledge will be invaluable to anyone who aspires to work in shipping or international trade, whether as a lawyer in a law firm in Singapore or elsewhere, as an in-house legal advisor, or in insurance with a hull insurer or a P & I Club.

While the primary emphasis of this course is the admiralty practice and procedure of Singapore, reference will be made throughout to the laws and cases of other important maritime jurisdictions, as well as to international Conventions on arrests of ships and on maritime liens and mortgages. No account will be taken of the particular issues that fall within the ambit of the conflict of laws (or private international law) as these are specifically addressed in **Maritime Conflict of Laws**, which is available in Semester II. Moreover, although this elective course is concerned with "practice", students will not be taught the mechanics of drafting pleadings, which in Singapore is covered in Part B of the Bar Examinations course.

The syllabus will cover the framework of the admiralty jurisdiction in Singapore, the nature of the admiralty jurisdiction (claims in personam and in rem), maritime liens and statutory rights of action in rem, possessory liens, the exercise of admiralty jurisdiction (particularly by the arrest of ships), admiralty procedure, priorities, ship mortgages and other charges, and maritime arbitration.

After successfully completing this course you should be able to:

1. *Demonstrate an understanding of* the workings of the admiralty jurisdiction in Singapore and comparable Common Law maritime jurisdictions, as well as relevant international treaties.
2. *Analyse and discuss* the different methods by which jurisdiction may be established in personam and in rem, and by means of sister ship arrest.
3. *Analyse and discuss* the different categories of maritime claims and how they are enforced in the admiralty jurisdiction.
4. *Be familiar with and apply* relevant legal rules and admiralty case law to novel fact situations.
5. *Develop an awareness and understanding of* admiralty procedure and practice.

The expected topics are:

**SEMINAR 1:** HISTORICAL BACKGROUND OF ADMIRALTY; GENERAL FRAMEWORK OF THE ADMIRALTY JURISDICTION IN SINGAPORE; INTERNATIONAL/COMPARATIVE BACKGROUND

**SEMINAR 2:** THE NATURE OF ADMIRALTY JURISDICTION IN PERSONAM AND IN REM; SUBJECT MATTER JURISDICTION – CLAIMS ENFORCEABLE IN REM; CLAIMS ENFORCEABLE IN PERSONAM

**SEMINAR 3:** THE NATURE OF ADMIRALTY JURISDICTION CONTD: "SWEEPING-UP" JURISDICTION; PROPERTY IN RESPECT OF WHICH ADMIRALTY ACTIONS MAY BE BROUGHT; MARITIME LIENS AND STATUTORY RIGHTS OF ACTION IN REM (SRARS)

**SEMINAR 4:** MARITIME LIENS AND SRARS CONTD: CREATION, TRANSFERABILITY, ASSIGNMENT, EXTINCTION; POSSESSORY LIENS IN THE ADMIRALTY CONTEXT; EFFECTS OF ARREST OF A SHIP

**SEMINAR 5:** ARREST CONTD: ADVANCED SCENARIOS; LIMITATIONS ON THE EXERCISE OF ADMIRALTY JURISDICTION; TIME OF INVOCATION; RESIDUAL MATTERS

**SEMINAR 6:** ADMIRALTY PROCEDURE (1) : ISSUE OF A WRIT; SERVICE OF A WRIT; ARREST; WRONGFUL ARREST; PROVISION OF SECURITY AND RELEASE; CAVEAT AGAINST RELEASE; RELEASE; RE-ARREST; ARREST AFTER JUDGMENT

**SEMINAR 7:** ADMIRALTY PROCEDURE (2): APPLICATIONS RELATING TO PROPERTY UNDER ARREST; INTERVENTION; DEFAULT JUDGMENT; SUMMARY JUDGMENT; APPRAISEMENT AND SALE

**SEMINAR 8:** PRIORITIES: GENERAL CIVIL V ADMIRALTY PRINCIPLES; PRIORITIES AND PARAMOUNT CHARGES, MARITIME LIENS, POSSESSORY LIENS AND SRARS; ALTERATION OF THE PRIMA FACIE ORDER

**SEMINAR 9:** SHIP MORTGAGES (1): NATURE; REGISTRATION; SCOPE; RIGHTS AND LIABILITIES OF THE MORTGAGOR AND THE MORTGAGEE; ENFORCEMENT SCENARIOS

**SEMINAR 10:** SHIP MORTGAGES (2): ENFORCEMENT SCENARIOS

**SEMINAR 11:** MARITIME ARBITRATION: NATURE; ADVANTAGES; ARBITRATE WHERE?; ARBITRATION AGREEMENTS; MARITIME ARBITRATION BODIES (LMAA, SMA ETC); MARITIME ARBITRATION IN SINGAPORE

**SEMINAR 12:** REVISION TUTORIAL