

Maritime and Commercial on i-law.com

Content update: August 2024

Highlights:

- ▶ Product focus: *Lloyd's Maritime and Commercial Law Quarterly*
- ▶ *Lloyd's Law Reports*: meet the editors
- ▶ Maritime arbitration commentary in *Lloyd's Maritime Law Newsletter*

Maritime and Commercial on i-law.com

Written by experts in shipping, trade, contracts and commercial law, Maritime and Commercial on i-law.com contains an unrivalled collection of news, commentary and English and international law case reports, in an archive dating back to 1919.

Maritime and Commercial on i-law.com features our industry-leading titles, including *Lloyd's Law Reports*, *Lloyd's Shipping & Trade Law* and *Ratification of Maritime Conventions*. It also includes fully searchable access to key texts including *Voyage Charters* and *Time Charters*.

Product highlight: *Lloyd's Maritime and Commercial Law Quarterly*

In 2024 we celebrate the 50th year of publication of Lloyd's Maritime and Commercial Law Quarterly.

Since 1974 LMCLQ has reported on key maritime and commercial cases, and presented original and insightful longform articles on key issues, providing an invaluable view of the opinions of leading practitioners and academics across the globe.

LMCLQ is the leading journal dedicated to maritime and commercial issues. Its collection of cases and comment, articles and book reviews ensures shipping and legal professionals and academics have an up-to-date knowledge of the law and a clear understanding of the key issues. LMCLQ also benefits from a distinguished editorial board made up of the leading maritime and commercial law specialists.

"We aim to analyse, criticise, contribute to current debates and influence the understanding, reform and progressive development of the law. And we aim to do so by publishing articles, comments and reviews of the highest quality, written by leading authors with diverse perspectives and reflecting the interrelationship between law and practice.

Altogether, we aim to be at the forefront of modern international maritime and commercial law."

Professor Francis Rose, General Editor, LMCLQ

Subscribers to LMCLQ also receive the International Maritime and Commercial Law Yearbook (IMCLY) - a separate annual publication which is a jurisdictional review of international maritime and commercial law. It provides a review of major sector developments and features additional cases of interest on a jurisdictional basis, updates on arbitration law and procedural rules, legislation, protocols and law reforms. English and international chapters are included, as well as sections covering Australia, Canada, the EU, France, South Africa and the US.



Professor Francis Rose is General Editor of LMCLQ and IMCLY. He is a barrister and holds doctorates from the universities of London, Cambridge and Oxford, where he is a Senior Research Fellow. He has taught at Liverpool, Cardiff, UCL and Cambridge, and has held chairs at the universities of Buckingham, Bristol and Southampton, where he continues as a visiting professor.

Available soon:

Lloyd's Maritime and Commercial Law Quarterly, Part 3, August 2024

International Maritime and Commercial Law Yearbook 2024

The [August 2024 issue](#) will include expert commentary on *Sodzwawiczny v Smith* concerning anti-arbitration injunctions and stays to arbitration; *Armstead v Royal & Sun Alliance*, which raised important questions in the Supreme Court on the law of damages; and *The Flaminia*, a Court of Appeal decision concerning limitation of liability. Articles cover: mortgages of goods and title disputes; corporate insolvency; ship arrest and global economics; and the Hague Judgments Convention 2019; along with unjust enrichment in England and Wales, Canada and Ireland, and reviews of recent books

The [2024 Yearbook](#) will offer a complete review of the major developments throughout the year. The Yearbook features insurance (including marine) law, maritime law, arbitration law, sale of goods and carriage of goods law along with additional cases of interest on a jurisdictional basis; legislation; law reforms; protocols; and articles. There is an international section as well as areas covering Australian, English, EU, French, South African and US law.

[Access Lloyd's Maritime and Commercial Law Quarterly here](#)

Also available:

Lloyd's Maritime and Commercial Law Quarterly Bound Volume Series, 2023 Edition

This hardcopy volume consolidates all of the carefully selected articles, case commentary and book reviews published within the year, offering comprehensive expert analysis of key developments, judgments and regulatory changes within the sector.

Our Law Reports Bound Volumes are available as full sets, small bundles and individual units. Find out more: customersuccess@lloydslistintelligence.com



Coming soon

The following are upcoming key releases relevant to our Maritime and Commercial portfolio

Chinese maritime law in 2023: a review

By Dr Liang Zhao, Institute of Maritime Law, Southampton Law School, University of Southampton

This review provides an overview of the significant decisions of the Chinese courts, in particular the Supreme People's Court of China, in 2023. Available in English and Chinese, it provides readers with insight into the judicial practice of maritime law over this period in Mainland China.

Authored by Dr Liang Zhao, the review contains judgments relating to carriage of goods by sea, marine insurance, admiralty law and procedures. The source of these Chinese judgments is the database of China Judgements Online, People's Courts Case Database and recommended judgments from Chinese maritime judges and lawyers.



Lloyd's Law Reports Bound Volume Series: Volume 1 2024

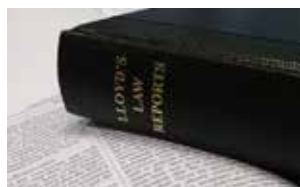
Lloyd's Law Reports is the unrivalled source of authoritative content, edited by Professor Robert Merkin KC and Dr Johanna Hjalmarsson, both experts in the maritime and commercial sector. Legal professionals around the globe regard Lloyd's Law Reports as the leader in providing them with the latest case law and approved judgments.

Volume 1 2024 features judgments which are selected for their importance and relevance to the legal landscape. Each reference is accompanied by keywords which will help identify the important issues addressed in each judgment and headnote.

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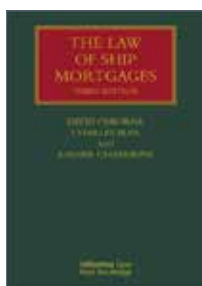


The Law of Ship Mortgages 3rd Edition

David Osborne, Charles Buss, Joanne Champkins

This fully updated and comprehensive 3rd edition of The Law of Ship Mortgages provides readers with a practical, commercially based and definitive guide to the English law of ship mortgages. The authors, being seasoned practitioners, bring their extensive experience to bear on a number of difficult and developing areas of the law, such as: mortgagees' duties, liability to charterers, conflict of laws, work-outs, restructurings and cross-border insolvency.

The 3rd edition includes new chapters on pre-delivery security, security over shares and on the increasingly important topic of ship leasing as a method of finance. It is written against the background of, and has regard to, ever-increasing sanctions affecting shipping and ship finance as well as the continued regulatory and industry-driven push towards the reduction of emissions (IMO 2020 and IMO 2050)



Lloyd's Law Reports: meet the editors

Lloyd's Law Reports contains a comprehensive archive of over 18,000 maritime and commercial cases from the UK and international jurisdictions dating back to 1919. Lloyd's Law Reports are essential for anyone practising in this area of law.



The unparalleled archive of reports is added to continually with high frequency, fast reporting of relevant legal decisions from our Lloyd's Law Reporter service.

It also includes our Lloyd's Law Reports Plus series of online-early and online-only judgments.

Each case report contains unique summary headnotes and keywords providing a clear overview of the case and its implications alongside the full verbatim judgment which can be cited in court.

Lloyd's Law Reports is compiled by experts in all areas of maritime and commercial law. Their industry knowledge and familiarity with key issues and current trends ensures Lloyd's Law Reports is an essential source of insight and information.

Professor Robert Merkin KC

Rob is Professor of Commercial Law at the University of Reading in England, Honorary Professor of Law at the University of Auckland and Distinguished Professor in the School of Comparative Law at the China University of Politics and Law in Beijing. In addition, he is a visiting Professor at the University of Sydney, teaching an intensive insurance law module to Masters' students. Rob has taught insurance law in a number of other institutions, including the University of Queensland, Hong Kong University, City University in Athens and National University of Singapore. Rob's research interests are in the areas of insurance, reinsurance and arbitration. He is the author of a number of texts and his works have been cited in many cases internationally. He also edits *Arbitration Law Monthly* and *Insurance Law Monthly*.



Dr Johanna Hjalmarsson

Johanna is Lloyd's List Intelligence Associate Professor in Maritime and Commercial Law, Southampton Law School, University of Southampton. She takes a particular interest in jurisdictions undergoing comprehensive development and has co-edited *Maritime Law in China* and *Insurance Law in China*, and *Singapore Arbitration Legislation Annotated*. Her numerous publications have been cited by courts in Singapore and Australia and by the Law Commissions of England and Wales and Scotland.



18,650

Number of judgments covered in
Lloyd's Law Reports

Figure accurate at 26 July 2024

Product focus: Maritime Risk International

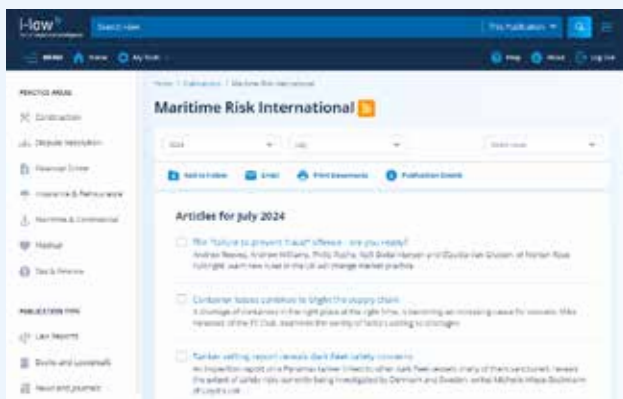
In each content update we focus on one title available on *i-law.com*. In this issue we highlight new articles available in Maritime Risk International.



Maritime Risk International is the definitive magazine in its field. It has been providing independent, expert advice from leading industry practitioners, organisations and P&I Clubs since 1987.

Our authors in key jurisdictions deliver global coverage of the important risk issues facing the maritime industry – so you can spot trends and developments that will affect businesses around the world.

- ▶ Independent, expert opinions from leading industry practitioners, organisations and P&I Clubs
- ▶ Spot trends and developments in your industry
- ▶ A broad base of contributors from around the world ensuring full international coverage
- ▶ The latest advice on loss prevention, carriage of goods, salvage, ship security, pollution and law
- ▶ News round-up of all the important risk issues facing the maritime industry
- ▶ Information about the activities of competitors and their members
- ▶ Archive accessible online, also in PDF form
- ▶ Regular updates: 10 PDF issues per year



Topics regularly covered include:

- ▶ Loss prevention and risk management
- ▶ Carriage of goods, bills of lading
- ▶ Cargo, including dangerous goods
- ▶ Salvage, collisions and groundings
- ▶ Ship security
- ▶ Piracy, crimes at sea and war
- ▶ Ship technology, automation and artificial intelligence
- ▶ Litigation, regulations, sanctions and arbitration
- ▶ Pollution and the environment
- ▶ Crew management, ship operations and logistics
- ▶ Ship building and recycling

Recent articles in Maritime Risk International

Container losses continue to blight the supply chain (2024) 38 MRI 6 18

A shortage of containers in the right place at the right time, is becoming an increasing cause for concern. Mike Yarwood, of TT Club, examines the factors adding to shortages.
www.i-law.com/ilaw/doc/view.htm?id=439909

The “failure to prevent fraud” offence - are you ready? (2024) 38 MRI 6 16

Andrew Reeves, Andrew Williams, Philip Roche, Kelli Bodal-Hansen and Claudia Van Gruisen, of Norton Rose Fulbright, warn new rules in the UK will change market practice.
www.i-law.com/ilaw/doc/view.htm?id=439910

A commitment to decarbonisation (2024) 38 MRI 6 8

Lars Lange, of the International Union of Marine Insurance, stresses the importance of collaboration in efforts to reduce the impact of climate change through decarbonisation in the shipping sector.
www.i-law.com/ilaw/doc/view.htm?id=439918

Mooring lines accidents increasing (2024) 38 MRI 6 22

Valentin Klivnoy, of Gard, reports that the Club has recently seen several incidents of broken mooring lines as a result of strong wind gusts. Incidents often involve cruise vessels, but other large vessels are at risk.
www.i-law.com/ilaw/doc/view.htm?id=439916

Navigating the seas of safety and sustainability (2024) 38 MRI 5 18

As the maritime industry charts a course toward a safer and more sustainable future, Sunil Krishnakumar, of the International Chamber of Shipping, sheds light on the newly released Engine Room Procedures Guide, Second Edition.
www.i-law.com/ilaw/doc/view.htm?id=439636

Registration of ships - a necessity? (2024) 38 MRI 5 22

Stuart Plotnek, of Campbell Johnstone Clark, considers a recent question on whether a buyer was obliged to register its vessel.
www.i-law.com/ilaw/doc/view.htm?id=439633

The current state of the marine salvage industry (2024) 38 MRI 5 10

James Herbert, of the International Salvage Union, discusses the changing challenges facing salvors, stressing their value remains undiminished.
www.i-law.com/ilaw/doc/view.htm?id=439631

Connected exposures in the maritime supply chain (2024) 38 MRI 5 8

Russell Group Ltd's Julian Kirkman-Page outlines why connected risk is an issue for the maritime supply chain and how work is underway to find a solution to address this issue.
www.i-law.com/ilaw/doc/view.htm?id=439627

When the ship hits the span (2024) 38 MRI 5 14

Nazery Khalid reflects the need to boost navigation safety following a recent spate of maritime collisions and groundings.
www.i-law.com/ilaw/doc/view.htm?id=439650

Access via i-law.com and www.maritime-risk-intl.com

Recently published

Lloyd's Shipping & Trade Law

SHIPMAN 2024 - an update of the industry's favoured ship management contract (2024) 24 LSTL 5 1

In April BIMCO released the latest edition of its standard ship management agreement SHIPMAN. This article gives an overview of the new form – SHIPMAN 2024 – and a comparison with the previous edition published 15 years ago. SHIPMAN is a standard contractual framework that may include crew, technical and commercial management as well as insurance arrangements in respect of a ship.
www.i-law.com/ilaw/doc/view.htm?id=439663

Marine cargo insurance - shortage claims in dry bulk shipments (2024) 24 LSTL 4 1

It is quite common in shipments of dry bulk cargoes like grains, ores, minerals, fertilisers and coal to report shortages at the destination. In play are often non-fortuitous causes such as “paper shortages”, loss of moisture during the voyage, and normal and inevitable spillages during loading, along with instances of short loading.

www.i-law.com/ilaw/doc/view.htm?id=439263

Chinese Maritime and Commercial Law Reports

China Continent Property Insurance Co Ltd, Tianjin Branch v Zurich Property Insurance (China) Co Ltd [2024] 2 CMCLR 35

Insurance (property) – Cargo transportation and storage – Damage to goods – Interpretation of contract – Definition of term “dealer” in insurance policy – Whether two separate policies constituted overlapping insurance.

www.i-law.com/ilaw/doc/view.htm?id=439591

Note: CMCLR is not yet included as part of a channel subscription.

Lloyd's Law Reports Plus

Process & Industrial Developments Ltd v Federal Republic of Nigeria [2024] Lloyd's Rep Plus 34

Arbitration – Awards overturned – Costs order – Currency of costs – Permission to appeal against costs order – Arbitration Act 1996, section 68(4).

www.i-law.com/ilaw/doc/view.htm?id=439872



Lloyd's Law Reports

RTI Ltd v MUR Shipping BV [2024] 1 Lloyd's Rep 621
Contracts (contract of affreightment) – Sanctions – Force majeure – Reasonable endeavours – Offer of non-contractual performance – Reasonable endeavours proviso in force majeure clause not requiring acceptance of offers of non-contractual performance.

www.i-law.com/ilaw/doc/view.htm?id=439807



Lloyd's Law Reporter

Unicuous Energy Pte Ltd v Owners and/or Demise Charterers of the Ship or Vessel "Alpine Mathilde" (No 2)

[2024] MLJU 532, High Court of Malaya at Kuala Lumpur Commercial Division, Ong Chee Kwan J, 30 January 2024

Admiralty – Sanctions – Vessel released from arrest – Damages for wrongful arrest.

www.i-law.com/ilaw/doc/view.htm?id=439765

Lloyd's Maritime Law Newsletter

SY Roro 1 Pte Ltd and Another v Onorato Armatori Srl and Others (2024) 1164 LMLN 1

Charterparties – Termination of charterparty – Redelivery of vessels – Effect of termination of charterparty on sub-charters – Relief against forfeiture – Obligations of guarantors

www.i-law.com/ilaw/doc/view.htm?id=439905



Lloyd's Maritime and Commercial Law Quarterly

Should there be a negligence exception to the autonomy principle for letters of credit?

[2024] LMCLQ 275

Fraud is the only widely accepted exception to the autonomy principle applicable to letters of credit. However, a recent decision of the Singapore High Court, *Bank of China v BP Singapore*, appears to support the possibility of a further exception: the negligence exception. Other lawsuits pending before the Singaporean courts also implicitly refer to (and plead) such a possibility. This paper argues that the negligence exception should be rejected.

www.i-law.com/ilaw/doc/view.htm?id=439005



Maritime arbitration coverage in Lloyd's Maritime Law Newsletter

Lloyd's Maritime Law Newsletter keeps you fully briefed on the latest important maritime court decisions. It also features summaries of London and Singapore Arbitrations thanks to our agreements with the London Maritime Arbitrators Association and the Singapore Chamber of Maritime Arbitration. The following articles have been featured in recent issues of LMLN.



London Arbitration 6/24, (2024) 1160 LMLN 2

Time charterparty – NYPE 93 form – Master not tendering notice of readiness until five days after arrival at discharge port anchorage – Whether owners liable to charterers for demurrage not earned under sub-charter – Whether master's failure to tender a timely notice of readiness was a breach of clause 8 – Whether charterers should have given specific instructions – Whether charterers' agents negligent in omitting to remind the master.

www.i-law.com/ilaw/doc/view.htm?id=439257

London Arbitration 7/24, (2024) 1162 LMLN 4

Time charterparty – NYPE form – Disputes under final hire accounts – Deductions for off-hire – Meaning of “about” for quantity of bunkers on redelivery – Whether owners entitled to compensation for removal of chemicals still on board – Whether owners obliged to compensate charterers at charter or sub-charter bunker prices after mistakenly consuming LSMGO in place of VLSFO – LMAA Small Claims Procedure – Apportionment of costs.

www.i-law.com/ilaw/doc/view.htm?id=439540

London Arbitration 8/24, (2024) 1164 LMLN 3

Booking note – Carriage of steel plate – Contract not performed – Whether cargo could be loaded safely – Whether vessel's cranes impeded loading – Whether there was cargo ready for loading – Whether owners were entitled to damages or deadfreight – Whether calculation of deadfreight should be based on quantity for which charterers exercised an option to load or on contract quantity after deduction for “about”.

www.i-law.com/ilaw/doc/view.htm?id=439906

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i-law.com is your essential online legal companion, combining user-friendly functionality with our quality maritime law content.

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