



**NATIONAL OPEN UNIVERSITY OF NIGERIA**  
**PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE**  
**EXPRESS WAY, JABI - ABUJA**  
**FACULTY OF LAW**  
**DEPARTMENT OF COMMERCIAL LAW (CIL)**  
**OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: LAW 531 (CIL 531)**

**COURSE TITLE: MARITIME LAW I**

**CREDIT UNIT: 4**

**TIME ALLOWED: 2 ½ HOURS**

**INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.**

**QUESTION ONE IS COMPULSORY**

**QUESTIONS**

1. On July 30, 2014, MV Pacific, a Finish registered vessel owned by dinvick Shipping Company (DSC), sank on her voyage from Hong Kong to Finland. Celebrity Assurance Company (Celebrity) is the insurer of the lost cargoes loaded on board the vessel which were consigned to Hrrords Company. After it indemnified Harrords, Celebrity as subrogee filed an action for damages against DSC.

- (A) Assume that the vessel was seaworthy. Before departing, the vessel was advised by the French Meteorological Center that it was safe to travel to its destination. But while at sea, the vessel received a report of a typhoon moving within its general path. To avoid the typhoon, the vessel changed its course. However, it was still at the fringe of the typhoon when it was repeatedly hit by huge waves, the vessel was saved but three (3) of its sailors who perished. Is DSC liable to Celebrity? What principle of maritime law is applicable? Explain. 10 MARKS
- (B) Assume the vessel was not seaworthy as in fact its hull had leaked, causing flooding in the vessel. Will your answer be the same? Explain. 10 MARKS

(C) ) Assume the facts in question (b). Can the heirs of the three (3) crew members who perished recover from DSC? Explain fully. 5 MARKS

2. a. The object of Hague Rules and Hague-Visby Rules was to protect shipowners from wide spread exclusion of liability by sea carriers. Explain? 6 MARKS

b. Art 1 of the 1958 convention on the continental shelf defined it as? 6 MARKS

c. What issues were raised in the Anglo-Norwegian Fisheries case 1951? 3 MARKS

3. During the course of a voyage, a large container vessel, the SS Dapo experiences a number of difficulties. Analyse and identify the significant features of maritime claims arising out of the following situations?

a. Before the loading of the goods on the vessel, the engine developed a problem and the ship-owners did not disclose this little problem which leads to delay of the voyage. 8 MARKS

b. On entering the port of Lagos, the tunde collides with an oil tanker badly damaging the tanker and causing an oil spill. The port authority seeks damages. Who would be held liable for the cleanup and under what Nigerian status would cover the cleaning of the port. 7 MARKS

4. DSS Kunle, left the port of Calabar for Lagos with, among other goods, 5,000 metric tonnes of oil consigned to A-Class oil. When the vessel was about ten nautical miles away from Lagos, the ship captain heard on the radio that a storm which, as announced by PAG-ASA, was on its way out of the country, had suddenly veered back into Nigerian territory, the captain realized that DSS Kunle would traverse the storm's path, but decided to proceed with the voyage. The port side of the vessel was damaged and there was oil pollution into the port of Lagos.

a. What relevant international treaties / protocol would regulate this incident? 10 MARKS

b. Which organisation regulates maritime safety and explain its primary duties? 5 MARKS

5. critically assess the extent to which the current laws and conventions provides a fair and effective system for the protection of the rights of seamen.
  - a. During the performance of their employment duties. 5 MARKS
  - b. in the aftermath of a maritime casualty. 5 MARKS
  - c. and onshore on leave after a voyage. 5 MARKS
6. What was the main significant of the following cases. 5 marks
  - i. S.S. Ardennes (Cargo Owners) v. S.S. Ardennes (Owners) (1951)  
1 K.B. 4 MARKS
  - ii. The Future express (1992) 2 Lloyd's 542.  
3 MARKS
  - iii. NNSL v. Owners of MV Albion 1 3 NSC 200 206.  
4 MARKS