



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

COURSE CODE: LAW 532 (CIL 532)

COURSE TITLE: MARITIME LAW II

CREDIT UNIT: 4

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.

QUESTION ONE IS COMPULSORY

QUESTIONS

- 1.** Wakanow Transport Services, Inc. (WTSI) operates a fleet of cargo vessels plying intercontinental routes. One of its vessels, MV Sulieman, left the port of Manila for Lagos with, among other goods, 10,000 television sets consigned to Uchenna, a TV retailer in Alaba. When the vessel was about ten nautical miles away from Manila, the ship captain heard on the radio that a typhoon which, as announced by PAG-ASA, was on its way out of the country, had suddenly veered back into Philippine territory, the captain realized that MV Sulieman would traverse the storm's path, but decided to proceed with the voyage. True enough, the vessel sailed into the storm. The captain ordered the jettison of the 10,000 television sets, along with some other cargo, in order to lighten the vessel and make it easier to steer the vessel out of the path of the typhoon. Eventually, the vessel, with its crew intact, arrived safely in Lagos.

1a. Will you characterize the jettison of Uchenna's TV sets as an average? If so, what kind of an average, and why? If not, why not?
15 MARKS

1b. Against whom does Uchenna have a cause of action for indemnity of his lost TV sets? Explain answer. 10 MARKS

- 2. a.** What is —barratry in marine insurance? 5 MARKS

- b. What are the types of averages in marine commerce? 5 MARKS
- c. explain the main legal effect of the The Naxos (1972) case. 5 MARKS

3. An importer of Christmas decorations loaded 100 boxes of Christmas singing lights aboard a ship in Korea bound for Lagos. With the intention of smuggling one-half of his cargo, he took a bill of lading for only 50 boxes. On the voyage to Lagos, 50 boxes were jettisoned to save the more precious cargo.

(A) Is the importer entitled to receive any indemnity for average? Explain. 15 MARKS

4. An assured may recover for the loss even though the loss would not have happened but for the misconduct or negligence of the master or crew. Analyse? 15 MARKS

5. a. list and give a brief explanation of the essential details that must be specified in every marine policy. 5 MARKS

b. name the type of vessel registration recognised by the Cabotage Act. 2 MARKS

c. in marine insurance how is damage assessed? 8 MARKS

6. The cargo ship Dumebi making its way into the port of Lagos collided with another cargo ship VV James. Before the collision, Peter was asked by the master to man the deck of the vessel to ensure it was properly anchored. but Peter fell asleep.

a. The port authority was seeking to prosecute kindly advise and if convicted what penalties? 6 MARKS

b. Assuming at the time of the collision, the VV James had nobody on the deck of the vessel looking out. What defence would be available to the vessel Dumebi? 6 MARKS

c. Immediately after the collision has occurred, what would be the masters be expected to do? 3 MARKS