



UNIVERSITI KUALA LUMPUR
MALAYSIAN INSTITUTE OF MARINE ENGINEERING TECHNOLOGY

FINAL EXAMINATION
SEPTEMBER 2016 SEMESTER

COURSE CODE : LGB 31103
COURSE NAME : MARITIME LAW
PROGRAMME NAME : BACHELOR OF NAVAL ARCHITECTURE AND
SHIPBUILDING
DATE : 24 JANUARY 2016
TIME : 09.00 AM – 12.00 PM
DURATION : 3 HOURS

INSTRUCTIONS TO CANDIDATES

1. Please **CAREFULLY** read the instructions given in the question paper.
2. This question paper has information printed on both sides of the paper.
3. This question paper consists of **TWO (2)** sections; Section A and Section B.
4. Answer **ALL** questions in Section A. For Section B, answer **THREE (3)** questions **ONLY**.
5. Please write your answers on the answer booklet provided.
6. Answer all questions in English language **ONLY**.

THERE ARE 6 PAGES OF QUESTIONS, INCLUDING THIS PAGE.

SECTION A (Total: 40 marks)

INSTRUCTION: Answer ALL questions.
Please use the answer booklet provided.

QUESTION 1

a) International Maritime Organization adopted several numbers of international Conventions which were then adopted in local law for national enforcement. Name **FOUR (4)** of these Conventions and any **TWO (2)** Malaysian laws enacted to cater issues on shipping, trade and other maritime-related matters.

(12 marks)

b) One of the developments of maritime law in Malaysia is the establishment of Admiralty Court. Explain the background, structure and jurisdiction of the Admiralty Court of Malaysia.

(8 marks)

[2Q = 20 marks]

QUESTION 2

a) The main objective of the International Convention on the Safety of Life at Sea (SOLAS) 1974 is to specify minimum standards for the construction, equipment and operation of ships, compatible with their safety. Identify **THREE (3)** life-saving equipment on board of a ship.

(6 marks)

b) List **TWO (2)** types of firefighting equipment.

(4 marks)

- c) A muster list is basically a list which is displayed in prominent areas of the vessel. Explain briefly what is muster list and its features. Support your answer with a drawing of a sample muster list.

(10 marks)

[3Q = 20 marks]

SECTION B (Total: 60 marks)

INSTRUCTION: Answer any THREE (3) out of FOUR (4) questions.

Please use the answer booklet provided.

QUESTION 3

- a) With reference to United Nations Convention on the Law of the Sea 1982 (hereinafter referred as "UNCLOS 1982"), examine the following incidents and determine whether the acts are "**legal**" or "**illegal**". In answering your questions, assume that all countries claimed their waters until the maximum limit permissible by the Convention.

- i. A United States Navy jet was detected flying at 150 nautical miles from the Malaysian baseline.

(2 marks)

- ii. A registered Thailand fishing vessel, with Thai and Malaysian crew, trawling and fishing inside the Malaysian EEZ.

(2 marks)

- iii. MV Selamat- a ship registered in Norway- anchored near Penang Port due to bad weather.

(2 marks)

- iv. A German submarine dived and navigated continuously and expeditiously in Malaysian underwater.

(2 marks)

- v. Royal Malaysian Navy officer arrested Thailand Navy vessel for sailing 11 nautical miles from Malaysian baseline.

(2 marks)

(5Q x 2 marks = 10 marks)

- b) Right of innocent passage is explained in Article 18 to Article 28 of UNCLOS 1982. Define the term and briefly explain the conditions and requirement for the innocent passage.

(10 marks)

[2Q = 20 marks]

QUESTION 4

- a) Imagine you are the shipowner and your vessels involved in the following incidents. Discuss on the solutions to the incidents. Your answer must include parties to whom you may claim and the justification/reason for the legal action.

- i) MV Senyum was given instructions to leave a pre-designated anchorage and proceed to load cargo at the terminal at Northport. The vessel was underway and a compulsory pilot boarded. The pilot is an employee of Huru Hara Sdn Bhd, which provides pilotage service to the Northport.

The Master passed the bridge to the pilot. The pilot navigate the vessel in a high speed. As a result, the vessel lost control and could not be stopped before colliding with the mooring dolphin. Extensive damage was caused both to the ship and to the mooring dolphin.

(6marks)

- ii) A dumb barge, the Supermoon, carrying timber and was towed by a tugboat, Sayang Selalu, from the mill to the harbour. The barge had no motive power, steering power or crew. While navigating along Sungai Sarawak, the tugboat master was negligent in navigation causing the barge to collide with the river bridge. The barge suffered serious damage.

(6 marks)

- b) In the 18th centuries, most salvage services were done without a contract. State the essential ingredients/elements of a valid salvage service without a contract.

(8 marks)

QUESTION 5

On 8th February 2014, a Panama-flagged vessel named *MV Boboi Boy* carried 66,000 tons of soybeans and more than 500,000 gallons of fuel from Seattle, Washington to Xiamen, China. Before setting sail, the vessel had passed inspection by port authorities and Coast Guard officials. Whilst on her voyage, the vessel was struggling with the heavy wind which was different from the normal weather at that particular period. This fact was confirmed by Meteorology Department. Due to this bad weather, the vessel was badly rolling and pitching. After an hour struggling with the bad weather, the vessel was ripped in half and the cargo was badly damaged and destroyed. There was pollution at the sea coming from the bunker and the fuel carried by the vessel.

The sea was messy and stinky. The Alaskan authorities issued an order addressed to the shipowner to have the wreck removed and to conduct the clean-up. Five crews and a master on-board of the vessel were rescued by a helicopter but three crews were lost at sea.

- a) Imagine the vessel and the cargo are insured and perils of the sea is covered under the policies, discuss on possible claims arise from this incident and types of insurance involved from this casualty.

(12 marks)

- b) According to Section 1 of Marine Insurance Act 1906, marine insurance is defined as a contract of indemnity. Differentiate between contract of indemnity and contract of non-indemnity together with examples.

(8 marks)

QUESTION 6

- a) Define flag state.

(4 marks)

- b) Define "flag of convenience"

(4 marks)

- c) As of 2009, thirteen 'flag of convenience' states have been found by international shipping organizations to have substandard regulations. Some ships with flags of convenience have been found engaging in crime, offer substandard working conditions, and negatively impact the environment, primarily through illegal, unreported and unregulated fishing. Although flag of convenience registries are often criticized but 60% of ships in the world registered under their flags. Compare the advantages of this type of registry to the traditional registry.

(12 marks)

[3Q = 20 marks]

END OF EXAMINATION PAPER