



# UCTshiplaw.com *bulletin*

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Following a prolonged silence, the [UCTshiplaw.com](http://uctshiplaw.com) *bulletin* is once again up and running. It is now an initiative of the Master of Shipping Law students of the UCT Shipping Law Unit, and will be a regular publication during term time. It's main aim remains bringing readers up to date with what's new on the UCT Shipping Law website., though we will include general interest snippets from time to time. Our site, at [www.uctshiplaw.com](http://www.uctshiplaw.com) has been much expanded since our last edition of this bulletin. New pages on the site are always added to the dropdown list on the opening page. Remember to hit "GO THERE" once you have highlighted the item you want. You can also use the search facility on the contents page to find anything on the site. We encourage you to explore the site and to come back to us at [shiplaw@law.uct.ac.za](mailto:shiplaw@law.uct.ac.za) with suggestions on how we could perhaps improve. Or just click on the links provided below to take you directly to whatever interests you.

## \* RECENT & UNREPORTED CASES

During the course of the previous year there were a number of cases decided by the Supreme Court of Appeal and the High Courts at Durban and Cape Town. An updated list of these judgements along with a brief summary of each may be found at [www.uctshiplaw.com/unrepcas.htm](http://www.uctshiplaw.com/unrepcas.htm) By clicking on the name of the vessel you will get to a synopsis of each case. You may also access the full text of the judgements in PDF format off this site.

### **Stop Press!**

The Supreme Court of Appeal last Friday 23 March gave judgement in *The Forum Victory* appeal. In February 1999, the Durban High Court overruled an earlier single judge decision (in *The Golden North*) which had found that a claim *arose* for purposes of s 11(4) of the Admiralty Jurisdiction Regulation Act when credit was given by a supplier of a ship rather than when the debt became due and payable. The Full Bench of the Durban High Court took the view that a claim should only be considered to have *arisen* when it becomes due and payable. The Appeal Court has reversed the Full Bench and confirmed that the claim arose (for s 11(4)) when the claim came into existence than when the credit given for the claim becomes due and payable.

*The Forum Victory* decision is on the University of the Free State site at [www.uovs.ac.za/faculties/law/appeals/23032001den.htm](http://www.uovs.ac.za/faculties/law/appeals/23032001den.htm)

\* **LEGISLATION**

**SEA TRANSPORT DOCUMENTS ACT 65 OF 200**

The new Act has been gazetted, but has not yet come into effect. The full text may be found at [www.uctshiplaw.com/titosu.htm](http://www.uctshiplaw.com/titosu.htm)

**The SHIP REGISTRATION REGULATIONS 2001**

The long-awaited Regulations for which the coming into effect of the Ship Registration Act has been held back, are now published by SAMSA for comment. They are at [www.uctshiplaw.com/ssregreg.htm](http://www.uctshiplaw.com/ssregreg.htm)

\* **UCTSHIPLAW RESEARCH DATABASE**

Our research database is continually updated as students' theses are graded. Most are available via e-mail on request. Go to [www.uctshiplaw.com/rschdiss.htm](http://www.uctshiplaw.com/rschdiss.htm) One of the latest on the list is an excellent dissertation by Derek Powell dealing with the nature of the maritime lien as a right in contract.

Other recent additions to the site are:

The new **ASOBOSA Standard Trading Conditions** (As revised 14<sup>th</sup> August 2000) at <http://www.uctshiplaw.co/asabosa.htm>

The new **Maritime Procedure Code of the Peoples' Republic of China** at [www.uctshiplaw.com/fulltext/chinese.pdf](http://www.uctshiplaw.com/fulltext/chinese.pdf)

The **2000 Lloyd's Form Salvage Agreement** which came into effect on 1 September 2000 is at [www.uctshiplaw.com/fulltext/lof2000.pdf](http://www.uctshiplaw.com/fulltext/lof2000.pdf)

The **Brice Protocol** dealing with salvage of historical wreck is at [www.uct.ac.za/depts/shiplaw/bricepro.htm](http://www.uct.ac.za/depts/shiplaw/bricepro.htm)

If you access the site via the contents page at [www.uctshiplaw.com/contents.htm](http://www.uctshiplaw.com/contents.htm) you can scroll down to many more items, including the full texts of the 1952 and 1999 Arrest Conventions, the Limitation of Liability Conventions (including the Athens Convention), and the historic English Admiralty Jurisdiction Acts of 1840, 1861 and 1890.

We continuously update our research dissertation database at [www.uctshiplaw.com/rschdiss.htm](http://www.uctshiplaw.com/rschdiss.htm) and most of the newer works are available on request via e-mail.

To keep readers up to speed on the fast developing field of **Electronic Commerce in shipping** see <http://www.uctshiplaw.com/edi.htm> The site provides a number of

interesting links to further sites related to this subject. See also the **CMI Rules relating to EDI** at [www.uctshiplaw.com/cmi/cmirus.htm](http://www.uctshiplaw.com/cmi/cmirus.htm)

\* **COMITE MARITIME INTERNATIONAL  
37<sup>TH</sup> CONFERENCE - SINGAPORE FEBRUARY 2001**

The CMI recently held its 37th Conference, this time in Singapore and hosted by the Singapore MLA. Prof. John Hare chaired the sessions on the CMI's review of Marine Insurance. The sessions produced a mandate from the Assembly that the review initiative continue. The full text of the documents put before the CMI as well as further information regarding the CMI and additional useful links may be found at [www.uctshiplaw.com/cmi/cmi.htm](http://www.uctshiplaw.com/cmi/cmi.htm). Remember that the CMI's site is at [www.comitemaritime.org](http://www.comitemaritime.org)

One of the many decisions taken in Singapore is that the CMI is to launch a Young Persons' Initiative, designed to achieve greater involvement of a younger set in CMI affairs. Notwithstanding middle age, John Hare will be driving this task group.

\* **NEW CONVENTION & MODEL LAW ON THE WAY**

**Bunker Liability Convention finalised**

The text of a new convention dealing with the limitation of liability for bunkers spills (unlike SA oil pollution legislation, not covered by current international conventions) was approved by the IMO last week. We will put the text on site as soon as we receive it.

**CMI Model Law on Piracy**

At the CMI Conference in Singapore, the Model Law on Piracy was all but finalised. We will report further in future editions. For details, see the CMI site at [www.comitemaritime.org](http://www.comitemaritime.org)

\* **PROGRESS ON THE COEGA PROJECT**

The Coega Development Corporation has concluded an agreement with the Anglo-Dutch consortium, P&O Nedlloyd and TCI Infrastructure Limited for the development of a container terminal and logistics park within the Coega Industrial Development Zone, which aims to position South Africa, and particularly the Eastern Cape, as a platform for global manufacturing and export through foreign and local investments.

The IDZ, covering 17 000 hectares of land to be developed for industry over a 50-year period, includes a new deepwater port on the Coega River, to be developed by the Port Authority at a cost of R1,65 billion. The Anglo-Dutch Consortium will develop, in close cooperation with the CDC and relevant government departments, a state of the art container terminal with an industrial park, logistics centre and e-commerce business park. The container terminal will be operated as a multi-user facility and will have an initial capacity of 500 000 teu's.

The Coega channel is eminently suited to being developed as a deepwater port, requiring substantially less excavation to reach the required depths than any other location on the South African coastline. Preparation of the site of the IDZ and deepwater port will begin in November and construction of the port will begin in May 2001. The port and container terminal will be commissioned in December 2003. P&O Nedlloyd director, Van Slobbe, says the consortium's role signals a continuing commitment to developing logistics infrastructure in South Africa, building on earlier investments this year.

See [www.coega.com](http://www.coega.com)

[Reporter: Karel van Wyk]

## \* WRECKS, SHIPPING ACCIDENTS & OILSPILLS

### WHAT SANK THE ESTONIA?

On September 28<sup>th</sup> 1994 the ferry Estonia, on her way from Tallin/Estonia to Stockholm/Sweden sank in the Baltic Sea. 852 people died, only 138 survived. It was the biggest shipping disaster in the Baltic Sea since World War II.

The question why the Estonia sank has not been answered to the confidence of the public yet, although or because the government investigation committee of Sweden, Finland and Estonia came very quickly to the conclusion that the German shipyard, Meyer Werft in Papenburg was to blame for the disaster. The locking mechanism of the bow visor was, according to the official report, not sufficiently strongly construed. Other theories for the reason of the sinking exist, the most probable of them so far was that of a bomb attack. But a new expertise seems to show that there was no detonation of bombs at the bow of the Estonia shortly before she sank. This is in opposition to other expertises which come to the conclusion of a bomb attack.

What really happened that night in the Baltic Sea remains unknown. You can draw your own conclusions from the various reports, opinions and facts to which links are provided at [www.uctshiplaw.com/estonia.htm](http://www.uctshiplaw.com/estonia.htm)

A compilation of numerous articles (in German) published in the German Der Spiegel are available at [www.Spiegel.de/sptv/magazin/0,1518,114729,00.html](http://www.Spiegel.de/sptv/magazin/0,1518,114729,00.html)

The most recent article from January 27<sup>th</sup> 2001 (containing results of the latest expertise) of which is available at [www.Spiegel.de/paorama/0,1518,114709,00.html](http://www.Spiegel.de/paorama/0,1518,114709,00.html)

One of the main articles of Der Spiegel on the Estonia is of the issue 1/2000 available at [www.Spiegel.de/Spiegel/0,1518,66097,00.html](http://www.Spiegel.de/Spiegel/0,1518,66097,00.html)

[Reporter: Florian Gehrke]

### THE MV "TREASURE"

See also [www.uctshiplaw.com/depts/stats/adu/oilspill](http://www.uctshiplaw.com/depts/stats/adu/oilspill) for a fascinating and in depth look at the massive rescue operation launched to save the penguin populations around Table Bay following the sinking of the "Treasure" off Table Bay in June 2000. Peter, Percy & Pamela became household names in South Africa as we avidly tracked their incredible journey home from Port Elizabeth & collectively held our breath when

their tracking devices temporarily fell silent. Their final return to safety signified the incredible success of this operation which attracted world wide attention. The bird monitoring was done by the UCT Avionics Department.

\* **INTERESTING WEBLINKS**

**Visit the National Maritime Museum** in Greenwich, England, at least virtually. It is really worth it. You will find all sorts of information on the website, from current and future exhibitions, research facilities and a maritime internet database, to a visitors guide, in case you are actually planning the physical visit there. The museum also publishes the *Journal for Maritime Research*, which is published not only on paper but virtually as well. So visit both of these websites via the links which are provided at [www.uctshiplaw.com/shiplink.htm](http://www.uctshiplaw.com/shiplink.htm)

For an insight into life at sea on one of the world's largest container ships, the **P&O Nedlloyd Kobe**, with a carrying capacity of 6377 teu's, visit [www.marine-society.org.uk/kobe.html](http://www.marine-society.org.uk/kobe.html)

For access to most of the major shipping lines around the world try <http://shell.ime.net/~drwebb/companys/company6.htm>

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