

JASN13, Introduction to Commercial Shipping Law, 15 högskolepoäng

Introduction to Commercial Shipping Law, 15 credits
Avancerad nivå / Second Cycle

Fastställande

Kursplanen är fastställd av Juridiska fakultetens nämnd för utbildningen på grund- och avancerad nivå 2011-01-13 att gälla från och med 2012-01-12, vårterminen 2012.

Allmänna uppgifter

The course Introduction to Commercial Shipping Law is a compulsory course in the Master's Programme in Maritime Law. The course is open to students on the programme leading to a Swedish Professional Law degree and who follow the Master's Programme in Maritime Law in their studies at advanced level.

The course is also open to international students participating in exchange programmes with the Faculty of Law. Lectures and course material are in English. The course is scheduled to require 10 weeks of full time studies.

Huvudområde

Sjörätt

Fördjupning

A1F, Avancerad nivå, har kurs/er på avancerad nivå som förkunskapskrav

Kursens mål

Knowledge and understanding

The student must be able to demonstrate adequate knowledge and corresponding level of comprehension of shipping and trade in the following areas of law -

- the concepts in the financing of international sale of goods
- carriage of goods by sea and multimodal transportation
- marine insurance and general average
- convention instruments and various standard form contracts used in international sale and transportation of goods
- the respective roles of international organizations and industry bodies involved in international commercial shipping.

Skills and abilities

The student must be able to demonstrate oral and written competence to

- critically analyze international conventions and other treaty instruments governing commercial shipping matters
- apply commercial and contract law principles and concepts to specific problems relating to international sale and transportation of goods and their financing and insurance aspects
- carry out independent research on a chosen subject by integrating and analyzing information and materials and arriving at solutions to stated problems
- present results and findings of research in essays incorporated in a take-home examination
- examine, explain and discuss maritime issues from national, regional and international perspectives including their legal, and economic implications.

Judgement and approach

The universality and antiquity of the law governing maritime commerce were largely uniform from ancient times until the emergence of the modern nation state whereupon legislative enactments and judicial practices in pursuit of narrowly conceived national interests gradually eroded this uniformity and gave rise to sharp conflicts of laws. The students shall be able to show comprehension of both the development and the impact of legal issues related to the transportation of goods by sea, marine insurance and the law relating to international sale of goods and its financing through the documentary credit system. The student must be able to demonstrate adequate knowledge and corresponding level of comprehension, both orally and in writing, in restating, explaining and discussing the acquired information from various perspectives.

Kursens innehåll

The course covers four main subject areas, namely, the law relating to bills of lading and charterparties in the carriage of goods by sea, other contracts of carriage including multimodal transportation, law of marine insurance, and law relating to international sale of goods and its financing through the documentary credit system.

The principal object of this course is to present the different aspects of international sale and transportation of goods by sea and other transportation modes. The main convention instruments relating to carriage of goods by sea that will be addressed are the Hague/Hague-Visby Rules, Hamburg Rules and Rotterdam Rules. Instruments relating to multimodal transportation will be discussed. Various standard form contracts relating to charterparties and marine insurance together with the York Antwerp Rules of general average will be discussed. The Vienna Convention on the International Sale of Goods, 1980 and other related instruments such as INCOTERMS will be included. Also, the roles international organizations and industry bodies such as UNCITRAL, ICC and CMI will be examined.

Kursens genomförande

Course delivery is provided in the form of lectures and seminars including group exercises. Knowledge, comprehension and competences are attained by attendance at lectures, participation in seminars and individual study of prescribed course literature.

Student performance is assessed by the following methods:

- individual oral presentations through group work at a seminar (20% of the final grade)
- a three hour closed book written examination (40% of the final grade)
- take home examination (40% of the final grade)

Kursens examination

Prov/moment för denna kurs finns i en bilaga i slutet av dokumentet.

Betyg

Betygsskalan omfattar betygsgraderna Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd.

One of the following grades is given: Pass with Distinction (AB), Pass with Credit (BA), Pass (B) or Fail (U).

All grading criteria rest on the baseline set up for the grade B. Criteria for the grade BA are additional to those for the grade B. Criteria for the grade AB are additional to those for the grade BA. Each grade criterion consists of a qualitative and a quantitative dimension. To be awarded a specific grade, the grade criterion must be satisfied in its qualitative as well as its quantitative dimension.

Grading criteria are applied to all dimensions listed as "Learning outcomes" in this syllabus. By way of example, an AB would presuppose that the student's examination reflect her or his mastery with regard to knowledge and understanding, skills and abilities and judgement and approach as laid down in the syllabus as "learning outcomes". Grading is done primarily using Qualitative and Quantitative criteria. The Quantitative criterion reflects how well read the student is whereas the Qualitative criterion reflects how well the student can use his/her knowledge to make a well structured critical and analytical argument and put it in a proper context.

The examination is divided into two components, namely, an assessed seminar presentation and a take-home examination. A student must pass each component separately to obtain a pass grade for the course.

Assessed Seminar: 20 marks

To pass the assessed seminar of 20 marks, students must be able to make individual oral presentations through group work to show evidence of sound knowledge and understanding of the specifically allocated task. A student who fails (below 10 marks) will be required to submit a short paper of 4/5 pages on the

allocated topic showing an adequate level of proficiency.

To obtain a B grade (10 marks), the student must be able to show an ability to reflect on theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

To obtain a BA grade (15 marks), the student must be able to show a high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

To obtain an AB grade (20 marks), the student must be able to show a very high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

Written Examination: 40 marks

This component consists of a three hour closed book written examination. The examination will consist of objective knowledge based questions, essay-type questions and problem-solving exercises.

To obtain a B grade (20–24 marks), the student must be able to show an ability to reflect on theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

To obtain a BA grade (25–32 marks), the student must be able to show a high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

To obtain an AB grade (33–40 marks), the student must be able to show a very high degree of competence in addressing theoretical and practical applications of legal issues relating to the subject of international law in the maritime context.

Essay Examination (40 marks)

This component consists of an essay, written on a topic chosen in consultation with the course examiner and must be approximately 15 pages in length. The essay will be assessed in conjunction with an oral defence in which the student will be academically challenged by a fellow student (referred to as opponent), other members of the class and the examiner(s). Furthermore, each student will be required to act as an opponent for another fellow student which will be taken into account for assessment purposes.

To obtain a B grade (20–24 marks), the student must be able to show in the essay, ability to reflect on the theoretical and practical applications of legal issues relating to the chosen topic within the field of general shipping law in an independent way.

To obtain a BA grade (25–32 marks), the student must be able to show in the essay, high degree of competence in addressing theoretical and practical applications of legal issues relating to the chosen topic within the field of general shipping law in an independent way.

To obtain an AB grade (33–40 marks), the student must be able to show in the essay, very high degree of competence in addressing theoretical and practical applications of legal issues relating to the chosen topic within the field of general shipping law in an independent way.

The combined grade for the course is based on the following marking scheme:

B: 50–60 marks

BA: 61–80 marks

AB: 81–100 marks

Förkunskapskrav

Passed examinations in courses corresponding to the first term of the Master's Programme in Maritime Law.

Övrigt

The University views plagiarism as a very serious academic offence, and will take disciplinary actions against students for any kind of attempted malpractice in connection with examinations and assessments. The penalty that may be imposed for this, and other unfair practice in examinations or assessments, includes suspension from the University.

Prov/moment för kursen JASN13, Introduction to Commercial Shipping Law

Gäller från V11

1101 Introduction to Commercial Shipping Law, 15,0 hp

Betygsskala: Underkänd, Godkänd, Icke utan beröm godkänd, Med beröm godkänd