

**UNIVERSITY OF FORT HARE  
FACULTY OF LAW  
(East London Campus)**

**MARITIME LAW  
LML 412E/413E**

**MAIN DEGREE EXAMINATION  
JUNE 2023**

.....

**Time: 3 hours**  
**Subject: MARITIME LAW (LML 412/3E)**  
**Marks: 100**

**This paper consists of 3 pages including the  
cover page**

**Internal Examiners**

**Mr J Mahler-Coetzee**

**External Examiner**

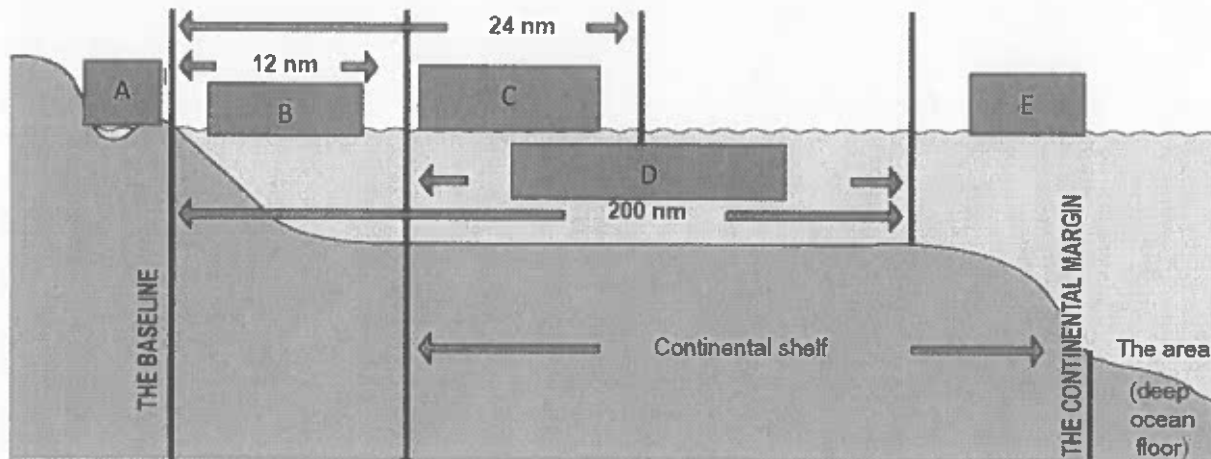
**Prof G Bradfield**

**INSTRUCTIONS**

- 1. Answer ALL questions.**
- 2. Refer to legislative provisions, case law, and/or any relevant authority, where applicable.**
- 3. Pay careful attention to marks allocated.**
- 4. WRITE LEGIBLY.**

### QUESTION 1 [25 Marks]

In relation to Maritime Zones, supply the correct labels for A, B, C, D, & E for the textboxes left blank in the diagram below and explain their nature and significance for maritime law (25):



### QUESTION 2 [16 Marks]

What is a Ship? In your answer you should compare and contrast the definitions contained in the 4 main Statutes (which you should name) considered in this module.

### QUESTION 3 [24 Marks]

- 3.1 What are INCOTerms? Name and explain 2 examples. (8)
- 3.2 Explain what demise and non-demise Charterparty's are (8)
- 3.3 Briefly describe the 3 main roles that a Bill of Lading performs (8)

### QUESTION 4 [35 Marks]

The *Pacifica*, a bulk carrier, 224 metres in length and displacing some 65 000 metric tons, collides with the *Indiana*, a similar vessel, in East London harbour. The *Indiana* is alongside loading on the first berth directly opposite the entrance to the harbour. The *Pacifica* is in the process of entering the harbour and was headed for the 2<sup>nd</sup> berth directly behind the *Indiana*. The pilot navigating the *Pacifica*, Captain Brutus, is an employee of the harbour authority, *Transport Ltd*. The Master of the *Pacifica* is Captain Cicero. The *Pacifica* is owned by *Magic Seaweed Pty Ltd*. The *Indiana* is owned by *Groovywave Pty Ltd*. Both vessels fly a South African flag.

Both vessels are damaged in the collision.

Focussing primarily on your knowledge of Pilotage in South Africa, and considering the above facts for context and examples, where required or necessary, write a brief essay detailing among others:

- 4.1 how pilotage takes place in practice in South African Ports

- 4.2 what type/s of pilotage operate/s in South African Ports
- 4.3 the potential liability of a Pilot
- 4.4 the concept of Command & Control generally in relation to Pilotage
- 4.5 the nature of the types of actions (if any) that might be available to the various parties in such an example as provided above?

**TOTAL: 100 Marks**

**End of Exam**