The South African law and practice of charterparties with special reference to Voyage charterparties

Abstract:
This is a comparative study of the English, American and South African law of charterparties, in particular, voyage charterparties. The reason for choosing to compare South African law to Anglo-American law rather than any other foreign system is because most charterparties expressly submit contingent disputes to arbitral tribunals sitting in London and New York. The carriage of goods by sea from South Africa is expanding, which is creating a demand for both legal practitioners and books in the maritime field, neither being readily available in South Africa. This study concentrates on those aspects of the law that are considered to be the most fundamental and important, namely, the nature of the contract, the common law liability of the carrier, its variation by exceptions clauses, general average, laytime, demurrage, and arbitration. It is hoped that this thesis will help to fill the vacuum in South African law.

The terms of the charterparty included a law and jurisdiction clause which provided for disputes to be settled by arbitration in London in accordance with English law. As is not uncommon in voyage charters, a dispute arose concerning outstanding demurrage and Norden commenced arbitration proceedings. Essentially, Beach’s argument was that the voyage charterparty was entered into for the provision of a vessel to carry a cargo of...
The provisions of COGSA 91 apply to the import or export of goods from Australia and Beach argued that section 11 of COGSA 91 therefore applied. Footnotes 1 Australian law – Supreme Court of South Australia upholds London arbitration clause in voyage charterparty”. 2 [2012] SASC 50. 3 [2012] FCA 696. International Economic and Trade Law. Charterparties Law, Practice and Emerging Legal Issues. Andrew Tettenborn. Barış Professor Soyer. Part 3 deliberates issues common to both type of charterparties. Offering critical analysis of contemporary legal issues on charterparty contracts, this book considers recent legal and practical developments and is therefore essential reading for both professional and academic readers with an interest in charterparties.

Reviews. Reviews. ★★★★★ No rating value Be the first to review this product. Filter by. Rating 1 star 2 stars 3 stars 4 stars 5 stars. The papers on which the contributions to this book on voyage charterparties are based were delivered at the Fourth Annual International Colloquium organised by the Institute of International Shipping and Trade Law at Swansea University and held at Swansea on 11 and 12 September 2008 - pg vii. Series. Maritime and transport law library. Genre. Congresses.

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