

City University of Hong Kong

Course Syllabus

offered by School of Law
with effect from Semester B 2018/19

Part I Course Overview

Course Title:	Admiralty Procedure Law
Course Code:	LW6191E
Course Duration:	One semester
Credit Units:	3
Level:	P6
Medium of Instruction:	English
Medium of Assessment:	English
Prerequisites: (Course Code and Title)	Nil
Precursors: (Course Code and Title)	Nil
Equivalent Courses: (Course Code and Title)	Nil
Exclusive Courses: (Course Code and Title)	LW5583, LW6183E and LW6583E Maritime Claims and Practices in Admiralty, LW6591E Admiralty Law (old course title: Maritime Law I: Admiralty Procedure)

Part II Course Details

1. Abstract

This course aims at introducing students to the enforcement of maritime claims through ship arrest and the Admiralty jurisdiction of the Courts. Aspects of private international law (conflict of laws) as relevant to the Admiralty Jurisdiction are also considered.

2. Course Intended Learning Outcomes (CILOs)

(CILOs state what the student is expected to be able to do at the end of the course according to a given standard of performance.)

No.	CILOs	Weighting (if applicable)	Discovery-enriched curriculum related learning outcomes (please tick where appropriate)		
			A1	A2	A3
1.	Describe and demonstrate an understanding of the need for specialized Admiralty Jurisdiction and enforcement.		√		
2.	Analyse the provisions of the Arrest Convention 1952 and identify the compromises reflected in its text.		√	√	
3.	Identify and compare the way through which the Arrest Convention is reflected in the Admiralty Jurisdiction of the Hong Kong Courts.		√	√	√
4.	Identify and differentiate different types of maritime claims, e.g. 'proprietary' maritime claims; maritime liens; statutory actions <i>in rem</i>		√	√	√
5.	Describe and explain the procedure of arresting the ship in Hong Kong and demonstrate the ability to distribute funds from the proceeds of sale of a ship among various creditors		√	√	√
6.	Apply relevant conflict of law principles including a doctrine of <i>forum non conveniens</i> and an anti-suit injunction and explore and evaluate the boundary of the Admiralty Jurisdiction		√	√	√
7.	Apply relevant international conventions to solve complex legal issues		√	√	√
		100%			

A1: Attitude

Develop an attitude of discovery/innovation/creativity, as demonstrated by students possessing a strong sense of curiosity, asking questions actively, challenging assumptions or engaging in inquiry together with teachers.

A2: Ability

Develop the ability/skill needed to discover/innovate/create, as demonstrated by students possessing critical thinking skills to assess ideas, acquiring research skills, synthesizing knowledge across disciplines or applying academic knowledge to self-life problems.

A3: Accomplishments

Demonstrate accomplishment of discovery/innovation/creativity through producing /constructing creative works/new artefacts, effective solutions to real-life problems or new processes.

3. Teaching and Learning Activities (TLAs)

(TLAs designed to facilitate students' achievement of the CILOs.)

TLA	Brief Description	CILO No.							Hours/week (if applicable)
		1	2	3	4	5	6	7	
Seminars	Discussion of law relating to the enforcement of claims against ships, though ship arrest and Mareva injunctions., the policies and the legal principles underpinning them.	√	√	√	√	√	√		3 hours lecture / week or a total of 39 hours of block teaching
Tutorials	Case-studies of incidents at sea raising claims and the way these need to be enforced. The purpose is to promote students' problem-solving and analytical skills					√	√	√	
Guided individual studying	Development of basic independent research and critical assessment skills.	√	√	√	√	√	√	√	
Formative work	Application of legal principles and knowledge to practical situations.					√	√	√	

4. Assessment Tasks/Activities (ATs)

(ATs are designed to assess how well the students achieve the CILOs.)

Assessment Tasks/Activities	CILO No.							Weighting	Remarks
	1	2	3	4	5	6	7		
Continuous Assessment:								40%	
Coursework		√	√	√	√	√	√		
Written Examination: 60% (duration: 3 hours)									
								100%	

Students are required to attend at least 70% of the classes (lectures, seminars, presentations). If a student does not meet this requirement, he/she may be disqualified for assessment.

Students must obtain a minimum mark of 40% in both coursework and examination and an overall mark of 40% in order to pass the course.

During the examination students will have access to their own lecture notes as well as to all relevant statutory materials. However students will not have access to internet or any library books. Students will be required to use computers to type the answers.

5. Assessment Rubrics

(Grading of student achievements is based on student performance in assessment tasks/activities with the following rubrics.)

Assessment Task	Criterion	Excellent (A+, A, A-)	Good (B+, B, B-)	Fair (C+, C, C-)	Marginal (D)	Failure (F)
Coursework	Demonstration of an ability to discover scholarly debates and gather them to formulate a logically structured and well-argued academic research paper. Demonstration of an ability to write a well-researched and critical analysis academic essay with good use of the English language and proper use of referencing styles and citations.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.
Written Examination	Demonstration of a good understanding of relevant statutes, cases, doctrines and concepts, and an ability to use these to solve complex legal problems.	Strong evidence of original thinking; good organization, capacity to analyse and synthesize; superior grasp of subject matter; evidence of extensive knowledge base.	Evidence of grasp of subject, some evidence of critical capacity and analytic ability; reasonable understanding of issues; evidence of familiarity with literature.	Student who is profiting from the university experience; understanding of the subject; ability to develop solutions to simple problems in the material.	Sufficient familiarity with the subject matter to enable the student to progress without repeating the course.	Little evidence of familiarity with the subject matter; weakness in critical and analytic skills; limited, or irrelevant use of literature.

Part III Other Information (more details can be provided separately in the teaching plan)

1. Syllabus

1.1 Keyword Syllabus

(An indication of the key topics of the course.)

Admiralty Jurisdiction; Actions *in rem*; Actions *in personam*; Maritime Liens; Statutory Actions *in rem*; Ship Arrest; Judicial Sale; *Forum Non Conveniens*; Anti-Suit Injunction; Mareva Injunction

1.2 Detailed Syllabus

1. Introduction
2. Arrest Convention 1952 and the Admiralty Jurisdiction of the High Court
3. Arrest and action in rem
4. Sister ship arrest and Arrest procedure
5. Actions in rem and in personam
6. Maritime Liens
7. The Arrest Convention 1999 and The Arrest Convention 1952
8. Freezing/Mareva Injunctions
9. Jurisdiction on the Merits for maritime claims
10. Security for maritime claims in the US- maritime lien law and Rule C of the Admiralty Rules
11. Security for maritime claims in the US – Rule B of the Admiralty Rules
12. Revision

2. Reading List

2.1 Recommended Readings

(Additional references for students to learn to expand their knowledge about the subject.)

Aleka Mandaraka-Sheppard, *Modern Maritime Law (Volume 2)*. (3rd ed, Routledge-Cavendish 2014)- available on i-law

Maritime law (4th ed, Routledge, 2017)- Chapter 12.

Maritime Law and Practice in Hong Kong (Sweet & Maxwell 2015)

Halsbury's Laws of Hong Kong, [250] Maritime Law, Reissue Date: 22 April 2013, source: LexisNexis (via CityU Lib)

David C. Jackson, *Enforcement of Maritime Claims* (4th ed, LLP 2005)

James M. Turner and Sarah C. Derrington, *The Law and Practice of Admiralty Matters* (2nd ed, Oxford University Press 2016)

Nigel Meeson and John A. Kimbell, *Admiralty Jurisdiction and Practice* (4th ed, Informa 2011)

Schoenbaum's Admiralty and Maritime Law, 6th (Hornbook Series) (2019), West Academic Publishing ISBN-13 9781642425321

Schoenbaum's Admiralty & Maritime Law 6th (Practitioner Treatise Series), ISBN: 9781539276104

Journals:

Lloyd's Maritime and Commercial Law Quarterly

The Journal of International Maritime Law