INSTRUCTIONS

1. All questions are compulsory
2. Section A and Section B must be answered in separate answer booklets and each booklet must be clearly marked with the appropriate section on the outside cover
3. All answers must be thoroughly supported by appropriate legal precedent
4. It is in your interest to write legibly as all illegible handwriting will be Disregarded.
5. This paper consists of Three (3) pages.
SECTION A: Mrs PP Singh

QUESTION ONE

In the Junior K case [Star Steamship Society v Beogradská Plovíba (“The Junior K”) [1988] 2 Lloyd’s Rep. 583] the court concluded that there was in fact no fixed or concluded charter party agreement. Discuss the reasons for this decision and discuss whether or not the court would have possibly come to a different conclusion had all the terms been agreed to. (In your answer consider the strict adherence to shipping contract negotiations in the English jurisdictions and the more flexible commercial approach of the American jurisdictions.)

[20 Marks]

[TOTAL FOR SECTION A: 20 MARKS]
SECTION B: Mr K Zondi

QUESTION TWO

The requirement that at times proves somewhat difficult for a public authority to meet is that the salvor must be acting as a ‘volunteer adventurer’ when undertaking the enterprise of salvaging a vessel in distress. Discuss this requirement in light of the Wreck and Salvage Act and the following cases:

- MV Mbashi - Transnet Ltd v MV Mbashi 2002 (3) SA 217 (D).
- Transnet Ltd t/a National Ports Authority v The MV Cleopatra Dream and Another 2011 (5) SA 163 (SCA)

[30 Marks]

QUESTION THREE

Discuss the three main functions of Bills of Lading.

[20 Marks]

[TOTAL FOR SECTION B: 50 MARKS]

[TOTAL FOR PAPER: 70 MARKS]