

International Encyclopaedia of Laws

Transport Law - Outline

The Author Table of contents List of abbreviations Preface

General Introduction

- §1. Geography
- §2. Demography
- §3. Information on the political and legal system of the country form of government
- §4. Population and Employment social and cultural values
- §5. General introduction relating to transportation
- §6. Inland waterways and ports
- §7. Railroads
- §8. Road systems
- §9. Airports numbers
- §10. Pipelines
- §11. Important data relating to transport activity
- §12. Ministry or department responsible for transport policy

Part I. Introduction

- Chapter 1. Definitions and notions
- §1. Limitations of the subject matter
 - I. Maritime Law and Transport Law
 - II. Law of the sea
- Chapter 2. Main sources of Transport Law

§1. Maritime Law

- §2. Inland navigation
- §3. Rail transport
- §4. Road transport
- §5. Air transport
- §6. Multimodal transportation
- Chapter 3. Jurisdiction and Courts
- Chapter 4. State immunity and Transport Law
- Chapter 5. Transport Intermediaries

Part II. Maritime Law

Chapter 1. The Vessel

- §1. Definition and legal status of vessels
- §2. Registration and nationality of ocean-going vessels
- §3. Acquisition and ownership
- Chapter 2. Maritime liens and mortgages

§1. Maritime liens

- I. General concepts Introduction
- II. Categories of maritime liens



- III. Employment of Maritime Liens
- IV. IV. Concurrent Liens
- V. Ranking
- VI. Choice of law
- §2. Ship mortgages
 - I. General concepts
 - II. Creation of the ship mortgage
 - III. Formalities relating to the creation of mortgage
 - A. Mortgage deed
 - B. Recording or registration
 - IV. Ranking
 - V. Validity period of mortgage
 - VI. Assignment of mortgage
 - VII. Ship mortgage and International Law
- §3. Extinction of ship mortgage and liens
 - I. Extension of the main claim
 - II. Waiver by the creditor
 - III. Forced public sale
 - IV. Voluntary sale of the encumbered vessel
 - V. Modification of the vessel's nationality
- Chapter 3. Master and crew
- §1. Master
 - I. Appointment of the master
 - II. Public functions of the master
 - III. Private functions of the master
 - IV. Main duties of the master
 - V. Liability of the master
- §2. Crew
 - I. Contract of employment for crew members
 - II. Recruiting
 - III. Duties of the employer and employee
 - IV. Termination
- Chapter 4. Liability and limitation of liability in Maritime Law
- §1. Liability of a ship owner and the crew
- §2. Limitation of liability
- §3. Ships for which the limitation of liability can be invoked
- §4. Claims subject to limitation
- §5. Claims excluded from limitation
- §6. Counter claims
- §7. Conduct barring limitation
- §8. Persons entitled to limit
- §9. General limits of liability
- §10. Limitation fund
- §11. Procedure

Chapter 5. Charter parties

- §1. Definition and varieties of charter parties
- §2. Statutory provisions
- §3. Duties of the ship owner
- §4. Duties of the charterer
- Chapter 6. Transport under bill of lading



- §1. Definitions and functions of the bill of lading
- §2. Various types of bills of lading and similar documents of title
 - I. Bill of lading 'received for shipment'
 - II. Through bill of lading
 - III. Combined transport bill of lading
 - IV. Delivery order
- §3. Charter party and bill of lading
- §4. Hague Rules Visby Rules
 - I. National incorporation of the Hague-Visby Rules
 - II. Transport period
 - III. Cargo and excepted cargo
 - IV. Deck Cargo
 - V. The description of the goods in the Bill of Loading
 - VI. Jurisdiction clauses
 - VII. Vessel
- §5. Duties of the carrier
 - I. Duty relating to the vessel
 - II. Duties relating to the cargo
- §6. Immunities and limitation of liability
- §7. Non-negotiable seaway bills
- §8. Hamburg Rules
- §9. Right of action
- Chapter 7. Piloting
- §1. Introduction
- §2. Statutory provisions
- §3. Duties of the pilot
- §4. Liability of the pilot
- Chapter 8. Towing and pushing contract
- §1. Introduction
- §2. Statutory provisions
- §3. Liability and limitation of liability
- Chapter 9. Salvage and assistance
- §1. Definition
- §2. Statutory provisions
- §3. Salvage award
- §4. Reward of the crew
- §5. Liability and limitation of liability of salvors
- §6. Removal of wrecks

Chapter 10. General average

- §1. Historical introduction
- §2. Statutory provisions
- §3. Definition and history of general average
- §4. Application of the York-Antwerp Rules 1974 (YAR) as amended 1990
- §5. General average adjustment
- §6. Receiving fund
- §7. Contributing fund
- §8. Proceedings
- Chapter 11. Particular average
- §1. General concepts
- §2. Particular average on the vessel



- I. Definition
- II. Insurance
- III. Settlement
- §3. Particular average on Cargo
 - I. Definition
 - II. Insurance
 - III. Settlement
- §4. Extra Expenses and Financial Losses Sea and Labour Costs, loss of freight, Delay
- §5. Recovery Actions against the sea carrier
- Chapter 12. Collisions
- §1. Definitions
- §2. Statutory provisions
 - I. Incorporation of treaty law
 - II. Damages and procedure
 - III. Limitation of liability
- Chapter 13. Marine pollution
- §1. Introduction
- §2. Statutory provisions Sources of Law
- §3. Sources of pollution
 - I. Pollution from ships
 - II. Pollution from land-based sources
 - III. Pollution from sea-bed activities
 - IV. Dumping and incineration of wastes
- §4. Liability for marine pollution
- §5. Marine pollution control and cooperation
- Chapter 14. The arrest of ships
- §1. Sources of Law
- §2. Judicial Procedure for Conservatory Arrest
- §3. Ship
- §4. Maritime Claims
- §5. Security and counter security
- §6. Subsequent arrest
- §7. Lifting of the arrest
- §8. Remedies for Wrongful arrest
- §9. Judicial sole and ranking
- Chapter 15. Carriage of Passengers
- §1. Introduction
- §2. Statutory provisions
- §3. Liability and Limitation of Liability

Part III. Other Transport

- Chapter 1. Transport by Road
- §1. Introduction
- §2. Liability of the Carrier under General law
- §3. Liability of the Carrier under the CMR convention
 - I. The consignment note Way bill
 - II. Rights and Obligations
 - A. Carrier
 - B. Sender
 - C. Consignee



- III. Liability of the Carrier
 - A. Presumption of Fault
 - B. Exonration of Liability
 - C. Sharing of Liability between the Claimant and the Carrier
- IV. Time Limits for Complaint and Action
- V. Jurisdiction of Courts

Chapter 2. Transportation by rail

- §1. Statutory provisions Legislation
- §2. The CIV Convention (Passenger and their Luggage)
- §3. CIM Convention (Carriage of Goods by rail)
- §4. Contract of Carriage by Rail subject
- §5. National transportation

Chapter 3. Inland navigation

- §1. Carriage of goods by inland waterways
 - I. River Craft : definition
 - II. Owner s legal liability
 - III. Charter Parties and Carriage of Goods
 - IV. Limitation of Liability
 - V. Towage
 - VI. Pushing
 - VII. General average
 - VIII. Freight market regulation
- §2. Statutory provisions
- §3. Treaty law
- Chapter 4. Air transport
- §1. Introduction
- §2. General scope of the Warsaw Convention
 - I. International transport
 - II. Carriage of aircraft
 - III. Carriage of Persons, cargo or Luggage
 - IV. Carriage for Remuneration
 - V. Successive and Combined Transport
 - VI. Mandatory applicability
- §3. Parties to the Contract of Carriage
- §4. The Carriage of Passengers
 - I. The Ticket
 - II. Liability of Carrier
- §5. The carriage of goods or baggage
 - I. The Air Way bill
 - II. The Baggage check
 - III. Rights and Obligations of the User
 - IV. Liability of the Carrier
- §6. Procedure
 - I. Right of Action
 - II. Time Limits
 - III. Jurisdiction of Courts
- Chapter 5. Multimodal transportation
- §1. Definitions: An Introduction
- §2. Statutory provisions
- §3. Treaty law



- I. The MT Convention
- II. The Hamburg Rules
- III. The Warsaw Convention
- IV. The CMR Convention
- V. The CIM Convention
- VI. The UPU Arrangements
- §4. Commercial practices and Private Initiatives
 - I. Through Bill of Lading
 - II. Combined transport documents

Selected bibliography

Index