



Higher National Unit Specification

General information

Unit title: Shipmaster's Law and Business (SCQF level 8)

Unit code: HR0N 35

Superclass: ZS

Publication date: September 2017

Source: Scottish Qualifications Authority

Version: 2

Unit purpose

This unit is about the link between UK legislation and international treaties applicable to the shipping industry. The unit will develop an understanding of the law of the sea and jurisdiction over ships in various areas of the ocean. The unit also covers UK legislation in health, safety and employment law, the application of contracts, the law of torts and the master's responsibility for ship operations and commercial law. It is aimed at learners who wish to progress from Merchant Navy Deck Officer to Chief Mate or Master. However, it could also be studied by someone with an interest in the subject area.

Outcomes

On successful completion of the unit the learner will be able to:

- 1 Evaluate the principles and application of UK legislation and international treaties applicable to the shipping industry.
- 2 Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.
- 3 Analyse UK legislation with regard to the laws of contract, torts and maritime liens applicable to the Merchant Navy.
- 4 Analyse the application of commercial law to ship operations and the role of Master in its application.

Credit points and level

2 Higher National Unit credits at SCQF level 8: (16 SCQF credit points at SCQF level 8)

Higher National Unit Specification: General information (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Recommended entry to the unit

Access to this unit is at the discretion of the centre. However, it would be beneficial if learners had achieved either a UK MCA Officer of the Watch Certificate or equivalent, the HNC Nautical Science, or the HN Unit *Marine Law and Management: An Introduction*.

Core Skills

Achievement of this Unit gives automatic certification of the following Core Skills component:

Complete Core Skill None

Core Skill component Critical Thinking at SCQF level 6

There are also opportunities to develop aspects of Core Skills which are highlighted in the Support Notes of this Unit specification.

Context for delivery

If this unit is delivered as part of a group award, it is recommended that it should be taught and assessed within the subject area of the group award to which it contributes.

Equality and inclusion

This unit specification has been designed to ensure that there are no unnecessary barriers to learning or assessment. The individual needs of learners should be taken into account when planning learning experiences, selecting assessment methods or considering alternative evidence.

Further advice can be found on our website www.sqa.org.uk/assessmentarrangements.

Higher National Unit Specification: Statement of standards

Unit title: Shipmaster's Law and Business (SCQF level 8)

Acceptable performance in this unit will be the satisfactory achievement of the standards set out in this part of the unit specification. All sections of the statement of standards are mandatory and cannot be altered without reference to SQA.

Where evidence for outcomes is assessed on a sample basis, the whole of the content listed in the knowledge and/or skills section must be taught and available for assessment. Learners should not know in advance the items on which they will be assessed and different items should be sampled on each assessment occasion.

Outcome 1

Evaluate the principles and application of UK legislation and international treaties applicable to the shipping industry.

Knowledge and/or skills

- ◆ International law and its transition into UK national law applicable to the shipping industry
- ◆ United Nations Convention on the Law of the Sea
- ◆ Flag and port state legislation
- ◆ Classification societies
- ◆ Health, safety and employment legislation applicable to the shipping industry

Outcome 2

Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.

Knowledge and/or skills

- ◆ Requirements of international conventions; Safety of Life at Sea (SOLAS) and Marine Pollution (MARPOL)
- ◆ Standard of Training Certification and Watchkeeping (STCW) convention on seafarers and marine industry in general
- ◆ Maritime Labour Convention 2006

Outcome 3

Analyse UK legislation with regard to the laws of contract, torts and maritime liens applicable to the Merchant Navy.

Knowledge and/or skills

- ◆ The law of contract, including how contracts are formed, the use of conditions and warranties and the breach of a contract
- ◆ The law of torts applicable to the marine industry with emphasis on the tort of negligence.
- ◆ The law and rules of agency, including the master as agent of necessity.
- ◆ The law of possessory and non-possessory maritime liens

Higher National Unit Specification: Statement of standards (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Outcome 4

Analyse the application of commercial law to ship operations and the role of Master in its application.

Knowledge and/or skills

- ◆ International conventions and UK national law on maritime contracts of carriage of goods
- ◆ Maritime insurance and the roles of underwriters and P&I clubs in accordance with the Maritime Insurance Act 1906
- ◆ Commercial role and legal responsibility of the master in vessel operations
- ◆ Commercial role and legal responsibility of the master in emergencies and incidents
- ◆ Legal procedures on arrival at, and on departure from, a port

Evidence requirements for this unit

Written and/or oral recorded evidence is required for Outcomes 1–4 under closed-book and supervised conditions. Outcomes 1–4 should be assessed by the combination of Outcomes 1 and 2 in one assessment and the combination of Outcomes 3 and 4 in one assessment. Both assessments will last for two hours.

All knowledge and skills are assessed, however there is sampling within each of the knowledge and skills.

Outcome 1

1 Evaluate the formation of international law and its transition into national law.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(b) and one item from (c)–(d).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Outline international maritime convention making bodies and their function.
- (b) Outline how International conventions are drafted, implemented and amended.
- (c) Analyse how international conventions take legal effect in UK.
- (d) Outline the function of statutory instruments and merchant shipping notices.

Items which are not sampled must be covered in the alternative (resit) assessment.

2 Analyse the principles of law of sea.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(b).

Higher National Unit Specification: Statement of standards (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Explain zones of coastal state jurisdiction under United Nations Convention on the Law of the Sea (UNCLOS)
- (b) Describe the basic rights of any merchant ship in various zones and at high seas

Items which are not sampled must be covered in the alternative (resit) assessment

- 3 Explain the role of flag and port state in the application of national and international legislation.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(c).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Describe the duties/responsibilities of the flag state
- (b) Explain the requirements for flag state survey and certification
- (c) Explain the importance and procedures of port state control inspections

Items which are not sampled must be covered in the alternative (resit) assessment

- 4 Explain the role of classification societies in the application of national and international legislation.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(c).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Identify the various classification societies and the role of International Association of Classification Societies (IACS)
- (b) Describe class survey and certification requirements
- (c) Define the relationship between classification societies and flag state administrations

Items which are not sampled must be covered in the alternative (resit) assessment

- 5 Explain the role of health, safety and employment legislation

Written and or/oral evidence will be provided by choosing one item from (a)–(c).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Identify the various agencies that deal with health and safety
- (b) Explain the various legislation that deals with health and safety
- (c) Identify the procedure for engagement and discharge of crew

Higher National Unit Specification: Statement of standards (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Outcome 2

1 Evaluate and apply the requirements of conventions: SOLAS and MARPOL

Written and/or recorded oral evidence will be provided by choosing one from (a) and (b) and any one item from (c)—(e)

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Evaluate the contents of Safety of Life at Sea (SOLAS) chapters
- (b) Interpret and apply various codes issued under the provisions of SOLAS
- (c) Summarise the contents of the Convention on Marine Pollution (MARPOL) annexes
- (d) Define the criteria for discharge of pollutants at sea and its record keeping
- (e) Apply the various codes issued under the provisions of MARPOL

Items which are not sampled must be covered in the alternative (resit) assessment

2 Analyse the impact of Standards of Training and Certification of Watchkeepers (STCW) Convention on seafarers and marine industry in general

Written and/or recorded oral evidence will be provided by choosing one item from (a)-(d).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Evaluate the objectives of standardisation of training and certification for seafarers
- (b) Define the general certification requirements for officers and ratings on any type of ship
- (c) Outline the certification requirement for officers and ratings on specialised ships
- (d) Outline the requirement of fitness for duty and watchkeeping arrangements and principles to be observed

Items which are not sampled must be covered in the alternative (resit) assessment

3 Outline the requirements of the Maritime Labour Convention 2006.

Written and/or recorded oral evidence will be provided by choosing one item from (a)—(c).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Outline the objectives of the Maritime Labour Convention 2006
- (b) Outline the basic structure and titles of the MLC 2006
- (c) Indicate the areas that must be inspected under MLC 2006

Items which are not sampled must be covered in the alternative (resit) assessment

Higher National Unit Specification: Statement of standards (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Outcome 3

1 Analyse the principles of law of contract, tort and maritime liens.

Written and/or recorded oral evidence will be provided by choosing two items from (a)–(e) and items (f) and (g).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Outline the categories and elements of contract
- (b) Explain the function of conditions, warranties and innominate terms in a contract
- (c) Describe how contracts are discharged
- (d) Explain types of liens of importance to seafarers
- (e) Describe the procedures for resolving disputes under contract
- (f) Identify the chief torts recognised by English law and those of most concern to the shipmaster
- (g) Define the categories and elements of the tort of negligence

Items which are not sampled must be covered in the alternative (resit) assessment

Outcome 4

1 Provide an outline of maritime contracts of carriage of goods.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(e).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Evaluate the charter party types and clauses
- (b) Define the terms laycan, laytime, demurrage and despatch
- (c) Define the functions and types of bills of lading
- (d) Describe the carrier's basic obligations under Hague-Visby rules and Carriage of Goods by Sea Acts (COGSA)
- (e) Outline the purpose of York-Antwerp rules and general average

Items which are not sampled must be covered in the alternative (resit) assessment

2 Provide an outline of marine insurance.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(b).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Outline Hull and Machinery (H&M) insurance and its cover, and the risks not covered by H&M policy
- (b) Describe the function of Protection and Indemnity Clubs (P&I) and claims usually covered by P&I

Items which are not sampled must be covered in the alternative (resit) assessment.

Higher National Unit Specification: Statement of standards (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

3 Commercial role and legal responsibility of the master in vessel operations.

Written and/or recorded oral evidence will be provided by choosing four items from (a)–(j).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Describe the law of salvage and the advantages of Lloyds open form
- (b) Define the differences between salvage and towage
- (c) Describe the master's role and legal responsibility while under pilotage
- (d) Outline record-keeping procedures and the collection of evidence
- (e) Describe the difference between noting protest and letter of protest
- (f) Outline the master's role and responsibility when (own ship or other ship) in distress
- (g) Define the master's role and responsibility in collision
- (h) Describe the master's responsibility when encountering navigational hazards
- (j) Outline the procedure for payment of light dues in the UK

Items which are not sampled must be covered in the alternative (resit) assessment.

4 Legal procedures on arrival at, and on departure from, a port.

Written and/or recorded oral evidence will be provided by choosing one item from (a)–(c).

Learners will need to produce evidence to demonstrate their knowledge and/or skills by showing that they can:

- (a) Define the procedure to make a report to UK customs
- (b) Outline how health clearance is obtained in a UK port
- (c) Describe immigration procedures at a UK port

Items which are not sampled must be covered in the alternative (resit) assessment.



Higher National Unit support notes

Unit title: Shipmaster's Law and Business (SCQF level 8)

Unit support notes are offered as guidance and are not mandatory.

While the exact time allocated to this unit is at the discretion of the centre, the notional design length is 80 hours.

Guidance on the content and context for this unit

The content of this unit forms part of the underpinning knowledge for a UK MCA Chief Mate/Masters Certificate of Competency and accordingly reflects the content of International Maritime Organisation's Standard of Training Certification and Watchkeeping (STCW).

The unit is primarily intended for learners who have an MCA Deck Officer of the Watch certificate of competency and wish to progress to a Chief Mates/Masters Certificate of competency. The unit can also be utilised for learners who have entered via one of the Merchant Navy Training Board (MNTB) approved deck cadet training schemes. Ideally learners would have already accrued some shipboard experience prior to attempting this unit, although this is not a prerequisite.

The knowledge and skills contained within the unit cover all the requirements as laid down by the Standard of Training Certification and Watchkeeping (STCW) at Management level aboard ship.

Completion of this unit will also ensure that the learner complies with all the requirements laid down by the UK Maritime and Coastguard Agency (MCA) for the issue of a Chief Mates and Masters Unlimited Certificate of Competency as a Deck Officer. The knowledge required and skills for MCA certification can be found in a document detailing the requirements for the issue of an Education and Training Certificate (C and D), which is available from the MNTB.

The following notes give additional information on the knowledge and skills for each of the four outcomes.

Outcome 1

Evaluate the principles and application of UK legislation and international treaties applicable to the shipping industry.

This outcome develops the learner's knowledge of national and international law regulating the shipping industry. Learners will understand how international law relating to shipping is developed and implemented. Learners will also understand how international law is incorporated in national legislation. It also allows learners to understand how the relevant information about new shipping legislation or changes in shipping legislation is promulgated.

The United Nations convention on the laws of sea will also be explored, with special emphasis on the various sea zones and the jurisdiction within them.

Higher National Unit support notes (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

This outcome also covers the rights and responsibilities of flag state and port state. Learners will develop knowledge of harmonised survey and certification system and also the role of classification societies in carrying out flag and class surveys.

As part of the outcome on UK legislation the learners will understand how health and safety legislation effects the maritime industry and will also allow learners to understand UK employment law in conjunction with the Maritime Labour Convention 2006.

Wherever possible, learners should be given access to various types of ships' certificates and other relevant documents in order that learners are fully conversant with the content.

Outcome 2

This outcome develops the learner's knowledge of the four major pillar conventions related to safety and pollution prevention, standards of training and watchkeeping and maritime labour developed primarily by IMO and ILO.

Learners will also develop knowledge on the application of relevant codes associated with SOLAS and MARPOL.

Learners should be able to provide a concise outline of all the SOLAS chapters and detailed knowledge of Chapter 5 — safety of navigation.

Thorough knowledge of pollution prevention regulations for all MARPOL annexes must be demonstrated. Learners must show their awareness of penalties/liabilities for polluting the environment.

Learners will develop knowledge of the standards of training, certification and watchkeeping as outlined in the STCW and protocols.

Thorough knowledge of the Maritime Labour Convention (MLC 2006) as developed by the ILO will be demonstrated by the learners.

Outcome 3

This outcome develops the learner's knowledge of the law of contract, with the introduction into the categories and elements that are required to form a contract. The subject is further developed to give the students' knowledge of the function of terms of a contract and how contracts are discharged and the procedures for resolving disputes.

Learners will understand the law of torts and specifically the torts of trespass and negligence.

This outcome will also advance knowledge in the area of privileged maritime liens and actions in rem.

Learners will understand the duties of an agent and the role of the shipmaster as an agent of necessity.

Higher National Unit support notes (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Outcome 4

This outcome develops the learner's knowledge of the application of commercial law to ship operations and the role of the Master in its application.

Learners will understand the contract of carriage of goods and will explore important clauses in charter party relevant to the role of the master.

Learners will then apply this basic knowledge in accurately performing basic laytime calculations. Wherever possible, learners must be given access to various charter parties, mate's receipts and bills of lading.

Learners will understand types of marine insurance and develop an understanding of institute time clauses-hull. Learners must develop a clear understanding of warranty.

Learners will appreciate various factors to be considered before offering or taking salvage.

This outcome also covers the master's commercial role in emergencies and other incidents. Learners will have a clear understanding of the documentation to be prepared before arrival to and departure from a port.

Guidance on approaches to delivery of this unit

Learners will benefit most if this unit is delivered in conjunction with the HN Unit *Shipboard Management*. The knowledge and skills developed within the unit should be applied in the context that will be encountered aboard ship, ideally leading the learner towards the ability to be able to appreciate the legal responsibility of a master in every shipboard operation and emergency situation.

Learners will also benefit from a revision of UK law as outlined in SCQF Level 7 *Law and Management*. This will enhance learners' knowledge of UK law for those who have not completed SCQF Level 7 *Law and Management* and will contextualise all of the outcomes in this unit.

Centres should be aware that maritime law as with all law is subject to rapid changes. Any changes in law which is commensurate with the subjects in this unit should be added to the teaching of this unit, to enable the learners to be kept as up to date as possible.

Wherever possible, examples and case study should follow each topic. Learners must also be familiarised with actual or copy of various documents from ships and other relevant shore based organisations. This becomes more important where learners have no prior sea going experience.

It is recommended that the assessment of this unit is carried out by the combination of Outcomes 1 and 2 and the combination of Outcomes 3 and 4. Questions should be based on the relevance of the topic to the role of Merchant Navy Deck Officer at Sea.

Higher National Unit support notes (cont)

Unit title: Shipmaster's Law and Business (SCQF level 8)

Guidance on approaches to assessment of this unit

Evidence can be generated using different types of assessment. The following are suggestions only. There may be other methods that would be more suitable to learners.

Centres are reminded that prior verification of centre-devised assessments would help to ensure that the national standard is being met. Where learners experience a range of assessment methods, this helps them to develop different skills that should be transferable to work or further and higher education.

Outcomes 1–4 should be assessed using the following criteria

Outcomes 1 and 2 should be combined and assessed in a two hour single closed-book assessment consisting of short answer questions and administered under supervised conditions. Outcomes 3 and 4 should be combined and assessed in a two hour single closed-book assessment consisting of short answer questions and administered under supervised conditions.

Authentication of the learners work is achieved by the action of double marking, a percentage of papers are double marked for authenticity. The learner can also ask for his work to be double marked at any time. The internal quality verification is carried out before each assessment to maintain the fairness of the assessment. On top of this internal verification should be carried out to ensure all assessments are verified to a fair standard.

Opportunities for e learning and e-assessment

E-Learning and e-assessment may be appropriate for some modules and assessments in this unit. By e-learning and e-assessment we mean learning and assessment which is supported by Information and Communication Technology (ICT), such as e-testing or the use of e-portfolios or social software. Centres which wish to use e-learning and e-assessment must ensure that the national standard is applied to all learner evidence and that conditions as specified in the evidence requirements are met, regardless of the mode of gathering evidence. The most up-to-date guidance on the use of e-assessment to support SQA's qualifications is available at www.sqa.org.uk/e-assessment.

Opportunities for developing Core and other essential skills

This Unit has the Critical Thinking component of Problem Solving embedded in it. This means that when learners achieve the Unit, their Core Skills profile will also be updated to show they have achieved Critical Thinking at SCQF level 6.

The unit also provides learners with the opportunity to develop *Communications* skills by the use of complex and unambiguous legal language which is rooted in the unit.

History of changes to unit

Version	Description of change	Date
2	Core Skills Component Critical Thinking at SCQF level 6 embedded.	12/09/2017

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General information for learners

Unit title: Shipmaster's Law and Business (SCQF level 8)

This section will help you decide whether this is the unit for you by explaining what the unit is about, what you should know or be able to do before you start, what you will need to do during the unit and opportunities for further learning and employment.

If you wish to progress from Merchant Navy Deck Officer to Chief Mate or Master or have an interest in the subject area this unit is for you. The unit is designed to allow you to interrelate UK national and International law. The unit covers the agreements and conventions to ensure safety of life, ship and cargo and the protection of the marine environment. It is also about employment law, safety management systems and the principles and application of UK and international legislation. It also covers the application of commercial law to ship operations.

On successful completion of the unit you will be able to:

- 1 Evaluate the principles and application of UK legislation and international treaties applicable to the shipping industry.
- 2 Analyse international requirements to ensure safety of ship, life, cargo and the protection of the marine environment.
- 3 Analyse UK legislation with regard to the laws of contract, torts and maritime liens applicable to the merchant Navy.
- 4 Analyse the application of commercial law to ship operations and the role of Master in its application.

You will be assessed for Outcomes 1–4 using the following criteria:

Outcomes 1 and 2 will be combined and assessed in a two hour single closed-book assessment consisting of short answer questions and administered under supervised conditions. Outcomes 3 and 4 will be combined and assessed in a two hour single closed-book assessment consisting of short answer questions and administered under supervised conditions.

This unit has the Critical Thinking component of Problem Solving embedded in it. This means that when you achieve the unit, your Core Skills profile will also be updated to show you have achieved Critical Thinking at SCQF level 6.

The unit also provides you with the opportunity to develop the Core Skill of *Communications*. You will develop *Communication* skills by the use of complex and unambiguous legal language which is rooted in the unit.