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IMLLe-News

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FORMER LEGAL ADVISER TO THE INTERNATIONAL SALVAGE UNION LECTURES AT IMLI

Mr. Archie Bishop (former Legal Adviser to the International Salvage Union) visited the IMO International Maritime Law Institute on 22 – 23 February 2017 and delivered a set of lectures on the Law of Salvage.



Mr. Archie Bishop (former Legal Adviser to the International Salvage Union) meeting the IMLI Class of 2016 - 2017

Mr. Bishop began his lecture with the analysis of the preamble to the International Salvage Convention, 1989 which introduced three key improvements to salvage operations, namely the

concern for the protection of the marine environment, the efficient and timely salvage operations and the need to ensure that adequate incentives are available to persons who undertake salvage operations as a form of encouragement for the highly risky operation.

The Class considered and discussed the various elements of a salvage contract under the Salvage Convention, beginning with who has the right to enter into a salvage contract, the duties of the salvor and the duties of the owner and master. On the obligation to provide security, the Class looked at Article 21 of the Salvage Convention, which provides that the owners of salvaged property should provide satisfactory security for any salvage claim; the owner of vessel is to use best endeavours to ensure cargo provides security and salvaged property not to be removed from the place of safety until security is provided.

Mr. Bishop engaged the Class in examining the objectives and the administration of the Lloyd's Open Form (LOF), and its interaction with the Lloyd's Standard Salvage and Arbitration clauses (LSSA clauses) and the Procedural Rules.

He explained that the salvage award, in general, is underlined by the policy of encouragement, as provided for in Article 13 of the Salvage Convention, in the sense that a reward is fixed with a view to encouraging salvage operations. He outlined the factors that are considered in assessing a salvage award, such as, the salvaged value of the vessel and other property, the skill and efforts of the salvors in preventing and minimising damage to the environment, the nature and degree of danger involved in the operation, the skill and efforts of the salvors in salvaging the vessel, other property and life, just to mention a few.

Other essential elements of the law of salvage discussed during Mr. Bishop's lectures included special compensation and the circumstance under which it is awarded, the ten essential elements of the SCOPIC clause, and environmental salvage.

Mr. Archie Bishop served 7 years as a deck officer with the P&O Line after completing his education aboard HMS Worcester before joining the firm in 1960. He was the Legal Adviser to the International Salvage Union between 1982 and 2010. In that capacity, he worked with the Legal Committee of IMO in the preparation of the International Salvage Convention 1989; sat on the drafting committee of the LOF and the Lloyds Salvage Group; played a leading role in the development of the SCOPIC clause; chaired the SCOPIC Committee; and had responsibility for much of the legal documentation and contracts that effect the salvage industry.

Throughout his legal career, Mr. Bishop specialised in collision, salvage, total loss and all other casualties to which his nautical expertise was of value. He has considerable experience in salvage claims, the investigation of large casualties, the resultant legal issues, choice and enforcement of appropriate jurisdiction, public enquiries and dealing with claims by government and local authorities concerning oil pollution, and has been involved in many leading cases.

He is a Solicitor, in England and Hong Kong, an Examiner in Admiralty and a former Senior Partner of Holman Fenwick Willan (1988 and 2000) with whom he is now a Consultant. He is a CEDR Accredited Mediator and author of numerous correspondence courses on maritime law. He

is a frequent contributor and speaker at international conferences and a very longstanding friend of the Institute.

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