
Postgraduate Certificate in Marine Salvage Operations

Marine Salvage Law and Regulations

Marine Salvage Law and Regulations are critical components of the marine salvage industry, governing the process of recovering a vessel, its cargo, or other property after a distress situation. In this explanation, we will discuss key terms and vocabulary related to marine salvage law and regulations that are essential for students in the Postgraduate Certificate in Marine Salvage Operations.

1. Salvage

Salvage is the act of recovering a vessel, its cargo, or other property after a distress situation, such as a shipwreck, fire, or collision. The salvage operation may involve towing, pumping out water, or refloating the vessel. The salvor is the person or entity that performs the salvage operation.

2. Salvage Agreement

A salvage agreement is a contract between the salvor and the vessel owner or insurer that outlines the terms and conditions of the salvage operation. The agreement may include the scope of work, payment terms, and liability.

3. Lloyd's Open Form (LOF)

The Lloyd's Open Form (LOF) is a standard salvage agreement used in the marine salvage industry. The LOF is a no-cure-no-pay agreement, meaning that the salvor is only paid if the salvage operation is successful. The LOF provides a framework for determining the salvor's reward, which is based on the value of the saved property.

4. Saved Value

The saved value is the value of the vessel, cargo, and other property that is saved as a result of the salvage operation. The saved value is used to calculate the salvor's reward.

5. Salvage Reward

The salvage reward is the payment made to the salvor for their services. The reward is typically based on a percentage of the saved value, with the percentage determined by the LOF or another salvage agreement. The reward may also take into account factors such as the degree of danger, the skill and efforts of the salvor, and the amount of time and resources expended.

6. Article 13 of the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs)

Article 13 of the COLREGs requires vessels to provide assistance to any vessel in distress, if they are in a position to do so without endangering their own vessel or crew. This obligation applies to both commercial

and recreational vessels.

7. The Salvage Convention, 1989

The Salvage Convention, 1989 is an international treaty that provides a framework for the conduct of salvage operations and the payment of salvage rewards. The Convention establishes rules for the calculation of the salvage reward, including the use of a formula that takes into account the value of the saved property, the degree of danger, and the skill and efforts of the salvor. The Convention also provides for the establishment of a fund to pay salvage rewards in cases where the vessel owner or insurer is unable to do so.

8. The Nairobi International Convention on the Removal of Wrecks, 2007

The Nairobi International Convention on the Removal of Wrecks, 2007 is an international treaty that requires the owner of a ship to remove a wreck that poses a hazard to navigation or the environment. The Convention applies to ships of 300 gross tonnage or more and establishes procedures for the identification, notification, and removal of wrecks.

9. The International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention)

The International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) is an international treaty that requires parties to take measures to prevent and respond to oil pollution incidents. The Convention establishes procedures for co-operation and mutual assistance in the event of an oil pollution incident and provides for the establishment of national contingency plans and response teams.

10. The International Convention for the Safety of Life at Sea (SOLAS)

The International Convention for the Safety of Life at Sea (SOLAS) is an international treaty that sets minimum safety standards for ships. The Convention includes provisions for the construction, equipment, and operation of ships, as well as requirements for safety management systems and emergency procedures.

In conclusion, marine salvage law and regulations play a critical role in the marine salvage industry, governing the conduct of salvage operations and the payment of salvage rewards. Understanding key terms and vocabulary, such as salvage, salvage agreement, Lloyd's Open Form, saved value, salvage reward, Article 13 of the COLREGs, The Salvage Convention, 1989, The Nairobi International Convention on the Removal of Wrecks

Marine Salvage Law and Regulations

Salvage is the act of rescuing a vessel, its cargo, or other property from a peril at sea. This can involve a wide range of activities, from towing a disabled ship to a safe harbor, to extinguishing a fire on board, to recovering sunken treasure. The law of salvage is a specialized area of maritime law that governs the rights and responsibilities of salvors, shipowners, and other interested parties in relation to salvage operations.

The primary objective of salvage law is to encourage and reward salvage efforts, thereby promoting the safety of life at sea and the protection of the marine environment. This is achieved through the payment of a salvage reward, which is typically a percentage of the value of the property saved. The amount of the reward is determined by a number of factors, including the risk and effort involved in the salvage operation, the value of the property saved, and the promptness and efficiency of the salvage services.

There are several key terms and concepts in marine salvage law that are important to understand:

Salvors: Salvors are the individuals or entities who carry out salvage operations. They may be professional salvors, who are specially trained and equipped to handle marine emergencies, or they may be volunteers, such as other vessels in the area that come to the aid of a distressed ship.

Salvage agreement: A salvage agreement is a contract between the salvor and the shipowner or other interested party, setting out the terms and conditions of the salvage operation. The agreement typically specifies the scope of the salvage services, the compensation to be paid to the salvor, and any other relevant terms.

Article 13: Article 13 of the International Convention on Salvage, 1989 (the "Salvage Convention") sets out the general principles of salvage law. It provides that salvage operations shall be undertaken for the purpose of saving life or property in danger at sea, and that salvors shall be entitled to a reward for their services.

No cure - no pay: The "no cure - no pay" principle is a fundamental principle of salvage law, which provides that salvors are only entitled to a reward if they are successful in saving the property in danger. If the salvage operation is unsuccessful, the salvor is not entitled to any compensation.

Special compensation: The Salvage Convention provides for special compensation to be paid to salvors in certain circumstances, even if they are not successful in saving the property. This may include cases where the salvage operation was particularly difficult or hazardous, or where the salvor incurred significant expenses in attempting to save the property.

Lloyd's Open Form: The Lloyd's Open Form (LOF) is a widely used standard salvage agreement, which is based on the "no cure - no pay" principle. It is a simple and flexible agreement, which can be quickly and easily negotiated in the event of a marine emergency.

SALVAGE Code: The SALVAGE Code is a set of guidelines and best practices for marine salvage operations, which has been developed by the International Maritime Organization (IMO). It provides recommendations on a wide range of topics, including salvage planning, communication, and coordination, environmental protection, and safety.

Maritime conventions: There are several international maritime conventions that are relevant to marine salvage law, including the Salvage Convention, the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), and the United Nations Convention on the Law of the Sea (UNCLOS). These conventions set out the rights and responsibilities of states, shipowners, and other interested parties in relation to marine salvage operations.

Salvage operations: Salvage operations can be divided into two main categories: Emergency salvage operations and non-emergency salvage operations. Emergency salvage operations are those that are carried out in response to an immediate threat to life or property, such as a fire on board a ship, a sinking vessel, or a grounding. Non-emergency salvage operations are those that are carried out for other reasons, such as the removal of a wreck or the recovery of sunken treasure.

Salvage awards: A salvage award is the compensation paid to salvors for their services. It is typically a percentage of the value of the property saved, and is determined by a number of factors, including the risk and effort involved in the salvage operation, the value of the property saved, and the promptness and efficiency of the salvage services.

Wreck removal: Wreck removal is the process of removing a sunken or stranded vessel from a dangerous or environmentally sensitive location. It is a specialized area of marine salvage, which requires specialized equipment and expertise.

Abandoned vessels: An abandoned vessel is a vessel that has been abandoned by its owner or operator, and is no longer in use. Abandoned vessels can pose a significant hazard to navigation, the marine environment, and other interests.

Marine pollution: Marine pollution is the introduction of harmful substances or materials into the marine environment, which can have serious consequences for marine life, human health, and the economy. Salvage operations can play an important role in preventing and mitigating marine pollution.

Maritime liens: A maritime lien is a legal claim against a vessel for the unpaid supply of goods, services, or wages. Maritime liens can be enforced by the arrest and sale of the vessel, and are an important tool for ensuring that salvors and other maritime creditors are paid for their services.

Limitation of liability: The Limitation of Liability for Maritime Claims Act (LOLLCA) is a US federal law that limits the liability of shipowners and other interested parties for maritime claims, including salvage claims. The LOLLCA provides a mechanism for the limitation of liability, which is intended to promote maritime commerce and stability.

Challenges: There are several challenges facing the marine salvage industry, including the increasing complexity and cost of salvage operations, the need for specialized equipment and expertise, the risk of marine pollution, and the potential for disputes and litigation. These challenges require a thorough understanding of marine salvage law and regulations, as well as the ability to adapt to changing circumstances and to work effectively in a challenging and dynamic environment.

In conclusion, marine salvage law and regulations are a complex and specialized area of maritime law, which govern the rights and responsibilities of salvors, shipowners, and other interested parties in relation to salvage operations. Understanding the key terms and concepts in this area is essential for anyone involved in the marine salvage industry, as well as for shipowners, insurers, and other interested parties. By promoting the safety of life at sea, the protection of the marine environment, and the fair compensation of salvors, marine salvage law and regulations play a vital role in ensuring the sustainability and success of the marine salvage industry.