

**MARITIME
LEGISLATION**

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MARITIME LEGISLATION

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AUTHOR'S PREFACE

In my thirty-seven odd years in shipping, first as a mariner and then as a lawyer, draftsman and teacher, I realized that the development and understanding of maritime legislation is central to all activities and occupations in the shipping business. I also discovered that virtually no comprehensive scholarly work existed on the subject. I was thus inspired to choose this as the subject of my doctoral dissertation and subsequently decided to produce this book. It undoubtedly has its flaws, but it is the first publication of its kind, and it is hoped that maritime administrators, draftsmen, legal practitioners and students alike will derive some benefit from it.

In this book, I have attempted to examine the nature of maritime legislation by tracing its historical evolution, analyzing its theoretical aspects and examining its international dimension in terms of the search for uniformity. Finally, I have presented various legislative perspectives and methodologies pertaining to the preparation of legislation.

In the introductory chapter, there is a brief discussion on the position of legislation as the written law within the wider context of law in the general sense. In the First Part, an historical overview is presented on the development of maritime law from the earliest times. The first chapter traces the development of codified customs and practices in various regions of the world. The second chapter illustrates the transformation of codified customs and practices into positive enactments. The Second Part includes discussions on different classes of legislation, and the component parts of a statute. One chapter describes the drafting process and another chapter discusses the major rules of statutory construction highlighting maritime cases. The Third Part deals with the international dimension of maritime legislation. One chapter is devoted to the proposition that international legislation is the desirable way to achieve unification. The next chapter addresses the implementation of international instruments into national maritime legislation. The final Part deals with drafting methodologies and legislative perspectives taking into account both common law as well as civil law approaches. One chapter deals with the subject-matters of a typical Maritime Code and another chapter provides a suggested scheme of maritime legislation. The last chapter describes drafting methodologies and illustrates how conventions are incorporated into legislation. In the conclusion, a summary is presented together with a description of current trends and developments in the field of maritime legislation.

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