The system of liability of articles III and IV of the Hague (Visby) Rules

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Preface

This book was written in the course of four years of research. In those years a number of publications of which the author of this book and dr. M.L. Hendrikse of the University of Amsterdam (Universiteit van Amsterdam) are the authors. A significant pre-study for this book was ‘Capita Zeerecht’, Kluwer: Deventer 2004, chapters 3, 4, 5, 6 and 7. Chapter 6 of this book was published as Hendrikse & Margetson 2006. Chapter 6 is largely based on that publication, written by the author of this book and dr. M.L. Hendrikse on an equal basis. § 5.2 is based on Hendrikse & Margetson 2005b which was also written by those authors on an equal basis. Although these pre-studies formed the basis for this book this book is not merely a compilation of the pre-studies. It has been completely re-written and constantly adapted for different insights which emerged in the course of my continuing research. Obviously this book as the finished product contains significantly different insights than previous publications. This is a new book on the system of liability of art. III(1)/(2) and art. IV(1)/(2) HR.

At this point I shall take the opportunity to thank prof. C.E. du Perron for acting as my supervisor and dr. M.L. Hendrikse for acting as co-supervisor. I am also grateful to the members of the dissertation committee, prof. F.A.W. Bannier, prof. M.A. Clarke, prof. M. Huybrechts, prof. M.B.M. Loos and prof. G.J. van der Ziel who all read the manuscript and provided me with valuable advice and comments. I thank my father and mother for their constant support, my brother N.H. Margetson, LL.M for reading the manuscript and providing practical comments based on his years of experience as a practising maritime lawyer, my fiancée R. Simi, LL.M for her support and for reading the manuscript and my friend and colleague R.C.A. van ‘t Zelfde, LL.M for reading the manuscript. I should also like to express my gratitude to my friend and colleague dr. H.P.A.J. Martius who wrote his recent dissertation in the same period as I did and with whom I could share the burdens which accompany the writing of a dissertation. Finally I thank all my friends and family and my colleagues for their advice and support.

The text was completed at the beginning of January 2008. However, on 1 February 2008 the Supreme Court of the Netherlands rendered an important judgement holding that the duty to exercise due diligence to make the ship seaworthy extends to containers provided to the shipper by the carrier (SCN 1 February 2008, C06/082HR, The NDS Provider). It was however still possible to add a paragraph to § 3.5.3 wherein I briefly discussed the case.

Nick Margetson
Rotterdam, January 2008