

M/V Prosperity (time chartering)

M/V Prosperity was fixed on a Baltime (2001) charter party to Optimistic Chartering Ltd. The vessel was ordered to perform a voyage from London to Gibraltar. She carried i.a. a cargo of timber on deck. In the English Channel she met with very heavy weather. The master therefore decided to return to Southend at the mouth of the river Thames to await better weather.

This decision was made on 1 January 1200 hours. One hour later, viz. 1300 hours, a big wave hit the vessel and some of the deck cargo broke loose. The timber thereby caused damage to the vessel's hatches, making her unseaworthy. But she continued the journey to Southend, arriving 1 January 2000 hours.

In Southend the hatches were repaired. The repairs were completed 2 January 1400 hours. The cargo was restowed at 1600 hours the same day. M/V Prosperity sailed off and was back at the spot where the wave hit her at 2000 hours and at the spot where the master decided to turn at 2100 hours (still on 2 January).

In the meantime the weather had improved and if M/V Prosperity had not had to undergo repairs she would have been able to sail in the morning, 2 January, at 0700 hours, in which case she would have been back at the point of deviation 2 January at 1300 hours.

- 1. Is M/V Prosperity off-hire?**
- 2. If so, how should the off-hire be calculated?**
- 3. Would the answer to any of the two above questions have been different if the rules of the Nordic Maritime Code had applied instead of Baltime (2001), and if so, in what way?**