

IRISH MARITIME LAW ASSOCIATION

DERMOT McNULTY MEMORIAL LECTURE

DELIVERED BY THE HONOURABLE MR JUSTICE BRIAN MCGOVERN

22 March 2007

Dermot McNulty
21st June, 1935 – 5th June, 2006

It is a great privilege and honour for me to be asked to deliver this Dermot McNulty memorial lecture.

I grew up in Sandymount and in the early 1950's I started my education in a school on the Strand Road. The sight of Dublin Bay was familiar to me since I was a small child and now all of 50 years later I find myself regularly driving home out by the Coast Road along Sandymount Strand. Some things have remained constant. The view of Howth Head and the Bailey Lighthouse and the sweep of Dun Laoghaire harbour out into the bay against the backdrop of Dalkey Cliffs and Killiney Hill. But it is when you look out to sea that the most profound changes are obvious. When I was a youngster you might see the ferry coming in and out of Dun Laoghaire harbour or the port of Dublin. Occasionally you would see another merchant's vessel leaving or entering the port of Dublin but you could frequently look out at the bay without a vessel being in sight. Now when I drive along the Strand road and look out to sea there is the constant movement of maritime traffic in and out of the port of Dublin and there are many ships lying at anchor out in the bay waiting for a pilot to guide them in. This is a visible but somewhat less obvious sign of the celtic tiger and the way in which the country's

economy has expended so much that it requires the constant flow of goods in and out of the country. And it is a tangible reminder of the importance of maritime trade to this country.

Maritime trade depends on many people. There are the officers and crew who man the vessels coming and going, often in perilous conditions. There are the shore based people, the stevedores, the ships agents, the shipping companies and those who represent them and the civil servants in the Department of the Marine and Natural Resources who all, in their own way, contribute to the great business of merchant shipping in this State. At the heart of this enterprise for many years was the man I am here to speak about today, Dermot McNulty. Dermot joined Irish Shipping as a young man and while he was there he studied for the bar and qualified as a barrister. In his career in Irish Shipping Limited he arose to become company secretary and carried out his duties with efficiency, courtesy and diligence. In his work with Irish shipping he got to know, in a hands on way, how the business of maritime commerce worked and he became acquainted with everyone who mattered in the trade. It was a reflection of both his skill and personality that he developed so many contacts within the merchant shipping industry so that if anybody had a problem, but were not sure whom they should contact, the obvious person to phone was Dermot. He would immediately give you a name (or several names) and a telephone number and when you contacted the person all you had to do was say that you had been given their name by Dermot McNulty and whatever help that person was able to give would be given.

I remember as a young barrister being briefed in shipping matters from time to time, and when my inexperience might have left me exposed Dermot was always a person on whose help I could rely. I know there are other barristers and solicitors in this room who are now well established who would be happy to acknowledge how helpful Dermot had been to them in the earlier stages of their careers. He showed great tolerance of judges who often failed to grasp the subtle differences between P&I clubs and insurance companies and judges who seemed to think that the right to limit liability was some great outrage which shipping companies sought to impose on citizens rather than part of the commercial reality of maritime trade which had been worked out over many decades to the common benefit of all who use maritime services.

Apart from his work with Irish Shipping Limited Dermot became actively involved in this association almost from its very beginnings and he contributed a vast amount to the association through his hard work and his many contacts at home and abroad. When I first started going to CMI conferences I was amazed at how many people would ask me was Dermot McNulty there, or would he be coming. It was a privilege to work with him at CMI conferences because of his knowledge and skill and he would use his contacts extensively to the benefit of this association and thereby to the benefit of the maritime industry in this country.

When I commenced my career at the bar in 1972 there were only a handful of statutes that were of day to day relevance in the practice of Admiralty or maritime law. There was the Harbours Act 1946, The Merchant Shipping Act 1947 (incorporating the Hague Rules), The Merchantile Marine Act 1955, and, of course, the 1894 Merchant Shipping

Act and the 1900 amendments. There were other statutes but they were rarely referred to or used and there was constant complaint from maritime lawyers that major conventions to which this country had subscribed were not part of our legislative code in maritime law. Dermot McNulty was to the fore in pressing for change in this area and his extensive contacts within the Department of the Marine and Natural Resources or its predecessors encouraged a more pro-active approach in the area of maritime legislation. I well remember the satisfaction that Dermot got as a raft of important legislation was enacted in the late 1980's and through the 1990's. I will mention a few of those important pieces of legislation:

The Jurisdiction of Courts (Maritime Conventions) Act, 1989 incorporating the 1952 Brussels Arrest Convention;

The International Carriage of Goods by Road Act, 1990 incorporating the CMR Rules;

The Merchant Shipping 1992 dealing with surveys and conditions for passenger ships;

The Merchant Shipping (salvage and wreck) Act, 1993

The Merchant Shipping (Liability of Ship Owners and Others) Act, 1996 incorporating the 1976 Limitation Convention and the Athens Convention on the carriage of passengers and their luggage by sea.

There were other pieces of legislation before this period but the legislation was sparse and inadequate.

It would be unfair to detract from the work and efforts of the many Ministers and civil servants in the Department who pushed through these important pieces of legislation.

But I think it is no exaggeration to say that Dermot McNulty was a catalyst in focusing the minds of relevant personnel on the necessity to bring in this legislation, and it has made an enormous difference to the practice of maritime law in this state to the benefit of all who are engaged in maritime trade and who use the services of ship owners whether as passengers, consignors or consignees. It has also removed many of the uncertainties in the law which has led to the more efficient resolution of disputes.

Dermot's role in Irish maritime affairs was confirmed by his appointment as one of the business, finance and legal experts advising the Irish Maritime Development Office on its inception. This was a tangible recognition of his position as an *eminence grise* in the Irish Maritime scene

For many years Dermot served the Irish Maritime Law Association as a member of its executive committee and he held various offices within the association and acted for a number of years as our president. He made an immense contribution to the work of the association.

I have spoken of Dermot's role in maritime affairs, which is appropriate in this forum. Of all of us who knew Dermot knew that there were other facets to him. He was a genuinely decent man who made friends easily. In his younger days he was an accomplished footballer with Na Fianna and he devoted many years of his life to that club which he loved so much and of which he spoke so often. He was a proud Irish man. Proud of his country, proud of the GAA, proud of the Irish language. But his was a pride which was confident and did not require to be assertive or strident. He was

in so many ways a model citizen. He gave of his time and his talents to so many different organisations. He was a wonderful family man who was devoted to his wife Theresa, and he was so proud of his seven children and his grandchildren, who so often featured in his conversation. We are honoured to have Theresa and her son Diarmuid here among us today. Those of use who attended his funeral last summer got a real insight into the type of man that Dermot was. It was to be found in the huge crowds and the diversity of the people who were there all united in grief for a man who had brought so much into their lives.

I know that if Dermot was asked to sum up his achievements he would be proud of what he has done in the maritime world but, being the type of man he was, he would have regarded his family and community activities as more important. But for those of us working in the maritime sphere Dermot's work will be long remembered with gratitude.
