

Bills of Lading and Related Cargo Claims

Singapore

18-20 August 2014

Seminar Moderator

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Organised by



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Cambridge Academy of Transport

Registration Form

BILLS OF LADING & RELATED CARGO CLAIMS

SINGAPORE • 18–20 AUGUST 2014

To register for the Bills of Lading & Related Cargo Claims class, complete the form below and send it to the email address given below.

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Company name _____ Address _____ _____
Nature of business: _____ Tel: _____ Fax: _____ E-mail: _____

Enclosed is a cheque Please invoice my Company I wish to pay by Credit Card (details below)

Course Fees: The fee of **USD2,800** includes all documentation, lunch on each day and coffee/tea breaks. Payment can be made by cheque, bankers draft or inter-bank transfer. Cheques should be made payable to Cambridge Academy of Transport in Sterling drawn on a Bank in the United Kingdom. Our Bank details for inter-bank transfer are:

Barclays Bank Plc, 28 Chesterton Road, Cambridge CB4 3AZ, UK
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Seminar Programme

Bills of Lading and Related Cargo Claims – Singapore 18-20 August 2014

Monday 18 August

Welcoming Remarks and Seminar Introduction

0900-0915

Introduction to English Maritime Law

**Session 1
0915-1000**

As an introduction to the theme of this seminar, this session and the following two up to the lunch break will provide a foundation for the seminar through a review of the basics of English maritime law covering in turn: origins of the law, contract law and the law of tort. The more detailed sessions which follow will develop the law as it applies to a number of bills of lading issues which are regular sources for disputes. In this, the first of the foundation lectures, the topics to be presented are:

- The Origins and Sources of English Law
- The Common Law and Equity
- The Civil Justice System and the Hierarchy of the Courts
- The Concept of Precedence

Introduction to Contract Law

**Session 2
1015-1145**

Topics for consideration:

- Elements of a Contract
- Terms of a Contract
- Factors Invalidating a Contract
- Termination of a Contract
- Remedies for Breach of Contract

Introduction to the Law of Tort

**Session 3
1200-1300**

This session will deal with:

- The Tort of Negligence
- Application to Maritime Cases

Functions and Problems of the Bill of Lading

**Session 4
1415-1515**

The Bill of Lading is the fulcrum of a complex relationship of contracts relating to the international sale and carriage of goods. During this session, the three basic functions of the B/L will be examined and its relationship with other relevant contracts such as the charter party, cargo sale contract and letter of indemnity will be explained. The advantages and disadvantages of the B/L will be considered as will the relevance of alternative documents such as seawaybills and straight bills.

Session 5**1530-1630****The Hague, Hague-Visby Rules and the Hamburg Rules**

No consideration of the B/L is complete without a detailed consideration of the Hague, Hague-Visby and Hamburg Rules the terms of which apply compulsorily in most situations and which form the basis of P&I cover for cargo claims. The session will examine when the Rules apply, highlight the duties and rights of the carrier and the cargo owner, and compare time limits that apply in each regime. Particular issues which are problematic under the Rules will also be considered.

Session 6**1645-1745****Defences for Cargo Claims**

Whilst International Rules bring obligations, they also provide means by which cargo claims can be defended. The Carriage of Goods by Sea legislation provides two means of approach: exceptions or exclusion and limitation. How each of these works and the obligations that the carrier must fulfil in order to “qualify” for applying exclusions/limitations will be analysed.

Tuesday 19 August**Session 7****0915-1045****Incorporation of Charter-Party Terms into Bills of Lading**

Virtually all tramp Bills of Lading are issued under a Charter Party but these two differing documents can often conflict. Such problems need a solution and this session offers guidance on how to resolve the more commonly encountered difficulties.

Session 8**1100-1230****Special Problems in the Tanker Trades**

Many Bill of Lading problems are peculiar to specific trades and this lecture considers those applicable to the carriage of oil. The nature of oil and its products and the characteristic of tankers result in a number of major problem areas including: shortages, contamination and “paper” claims which will be examined during this session.

A brief summary of some of the latest developments on electronic bills of lading will also be given, with special attention to the needs of the trading community.

Session 9**1345-1530****Hague-Visby Rules: A Review of the Key Clauses**

Following on from yesterday’s introduction to bills of lading and the various rules which may apply to their use, this session will concentrate on one set in particular: the Hague-Visby Rules.

Risk Allocation between Shipowners and Charterers: Letters of Indemnity & The NYPE Inter-Club Agreement**Session 10****1545-1700**

Protection and Indemnity Clubs play a key role in maritime trade, both through the insurance provided to shipowners for their liabilities and the advice they offer to members in operational and contractual matters. Two areas in particular are relevant when considering how P&I Clubs assist with bills of lading: the Inter-Club Agreement and “Club” letters of indemnity (Lols).

Under a time charter, Owners and Charterers have differing responsibilities in the settlement of cargo claims which led a number of years ago to the introduction of the Inter-Club Agreement by the P&I Clubs. The background to the ICA and its key provisions will be explained here.

P&I Club suggested wordings for letters of indemnity are most often encountered in the context of delivering cargo without presentation of an original bill of lading. How these Lols work and their limitations will be examined in the second part of this session.

Wednesday 20 August**Session11
0900-1000****Identifying Problem Areas in Trade Finance**

Understanding how clever criminal minds - be they of individuals or syndicates - can exploit the lack of transparency in shipping and trade finance to perpetrate cross-border crimes is the first step in building a protective shield. This session will consist of a workshop discussion group lead by a commercial banker whose responsibilities include the control of risk in trade finance transactions.

**Session 12
1015-1130****The Electronic Bill of Lading**

This session will examine developments in electronic bills of lading and whether they will replace the traditional form. It will provide an up-date on current initiatives, in particular CargoDocs from ESS, and look at the interface with other trade documents, including the Letter of Credit which is central to international commerce. In addition, it will provide data on current usage by the industry and issues associated with the rollout across all industry sectors.

(THIS SESSION MAY BE PRESENTED VIA SKYPE)

**Session13
1145-1315****Fraud & Piracy: The Modern Threat**

The session will begin with a brief introduction to the ever-present risk of documentary fraud encountered in maritime commerce with particular reference to bills of lading. International sales of goods puts considerable trust in the documents required as part of the sales contract and the Letter of Credit, and clever criminal minds often exploit this characteristic. However, when ship and cargo set sail today, there is yet another risk to the safe completion of the voyage: Piracy.

In the second part of the presentation piracy will be considered. Piracy is an ancient practice which has enjoyed a period of resurgence in the modern era. Somalian pirates, however, behaved differently from the "skull and cross-bone" practitioners of old. For the Somalian pirate, the seizing of crew, ship, cargo or passengers is a business opportunity. None-the-less, for the crew or passengers on board a pirated vessel the fears and concerns remain. Shipowners and cargo interests (bill of lading holders and their banks) also suffer loss of money and / or time. With the reduction in incidents off the Somalia coast and the Indian Ocean, focus has shifted to the west coast of Africa and in particular Nigeria.

**Session14
1400-1515****Workshop: A Typical Bill of Lading Transaction**

This session highlights events that could occur on a voyage where the vessel is chartered to carry a cargo which is the subject of an international sales contract and a Bill of Lading is issued. This is intended as a practical exercise with a the objective of illustrating how the everyday activity of issuing bills of lading can lead to a claim whose validity is dependent on a range of related contractual obligations. Issues to be discussed include:

- international sales contracts and UCP500
- contract validity (must a contract be in writing)
- obligations under the charter party
- master's obligations regarding issuing of bills of lading
- evidence required to support any subsequent claim or counter-claim
- which charter party terms are incorporated into the bill
- un-seaworthiness as a valid claim: Hague, Hague-Visby Rules position
- security for a claim

**Session 15
1530-1645****Interactive Workshop: A Typical Bill of Lading Transaction – continued**

Please note there could be changes to either the programme or the speakers