



MASTERCLASS WORKSHOP
BILLS OF LADING

Montréal
21-23 September 2020

 **BIMCO TRAINING**

Day 1

08:30-09:00 *Registration/coffee*

09:00-09:25 **Opening remarks and introduction to BIMCO and the participants**

09:25-10:30 **Overview of bills of lading:**

- the relationship between the contract of sale, the letter of credit, the charter party, the bill of lading and the insurance certificate
- how the sale contract influences and affects the carriage contracts
- the major functions of the bill of lading.

10:30-11:00 *Coffee*

The bill of lading as a receipt

11:00-12:00 **The bill of lading as a receipt:**

- quantity/weight
- apparent order and condition
- date
- mate's receipts
- clean bills and claused bills
- the evidential effect of the bill
- "weight unknown" clauses.

The bill of lading as a contract of carriage

12:00-12:30 **Who is the legal carrier under the bill of lading:**

- owners' and charterers' bills
- the merits of each type.

12:30-13:30 *Lunch*

13:30-14:30 **The bill of lading as a contract of carriage:**

- the nature of the contract
- types of bills of lading
- incorporation clauses
- Which is the governing contract - the charter or the bill?

14:30-15:15 **The importance of international regulation:**

- the impact of the Hague, Hague-Visby and Hamburg Rules
- the duties and rights of the carrier
- package limitations
- time limits
- the importance of Paramount Clauses
- the impact of the Rotterdam Rules.

15:15-15:45 *Coffee*

15:45-16:30 **The importance of international regulation**
(continued)

16:30-17:30 **Case study 1**

Day 2

09:00-10:00 **The protection of third parties**

- claims in tort
- Himalaya clauses
- circular indemnity clauses
- bailment on terms.

10:00-10:30 **Combined and through transport bills of lading:**

- the problems
- the networking principle
- freight forwarders and NVOCC's.

10:30-11:00 *Coffee*

11:00-11:30 **Combined and through transport bills of lading** *(continued)*

11:30-12:30 **The problems caused by negotiating bills of lading:**

- Who has the right to sue the carrier?
- Who is liable to the carrier for damage to the ship?
- order bills, straight bills, seaway bills.

12:30-13:30 *Lunch*

The bill of lading as a document of title

13:30-15:00 **The bill of lading as a document of title:**

- the rule as to delivery of cargo
- the danger of mis-delivery
- delays to the ship
- Letters of Indemnity
- alternative documents.

15:00-15:30 *Coffee*

15:30-17:00 **Case study 2**

Day 3

General issues

09:00-10:00 Remedies for claims:

- liens on cargo and sub-freight
- ship arrest
- arbitration/ADR.

10:00-10:20 Coffee

10:20-11:45 Letters of Indemnity:

- when used?
- when enforceable?
- P&I position
- practical guidelines.

11:45-12:30 Switch bills of lading

12:30-13:30 Lunch

13:30-14:15 Commingling of cargoes

14:15-15:30 Case study 3

Coffee break during the case study.

15:30-16:30 Assessment for all participants:

The assessment is an open book test aimed at demonstrating the understanding of the subject of the masterclass. For the purpose of improving the learning experience, the assessment will test the participant's ability to interpret, think critically and present an organized and well written answer. All papers will be marked and each participant will receive a certificate based on the result.

Speakers



Stephen Mackin

Stephen Mackin is a partner at Clyde & Co. He specialises in shipping and energy related issues, particularly those arising from the carriage of oil, gas and LNG by sea involving charterparties and bills of lading. His areas of expertise are oil, gas and LNG tanker related issues including disputes arising from oil shortage, cargo contamination, unsafe port/berth disputes and market loss claims.

He works for a wide entirely international client base of shipowners, charterers, insurers and cargo owners. Stephen has a first class B.Sc (Hons) Degree in Maritime Studies and before qualifying as a solicitor, he was a navigating officer with Shell Tankers (UK) Limited. Stephen has practical experience of the operation of VLCC's, Product Tankers, LNG Tankers and Bulk carriers. Stephen is an experienced BIMCO trainer.



Jessica Maitra

Jessica is a Partner in Clyde & Co's Marine and International Trade department. She has an international practice with an emphasis on shipping, trade and insurance work.

Jessica is an experienced BIMCO trainer. At the BIMCO courses, she is drawing on her significant experiences advising clients on both commercial and contentious matters. From a disputes perspective she works on cases in the English Courts and in LMAA and other arbitrations. She also advises on contracts and transactions in the marine and insurance sectors. Jessica regularly advises on disputes and commercial aspects of shipping contracts, including charter parties, bills of lading, shipbuilding contracts and ship management agreements. Jessica has a wealth of experience in cases concerning liquid, gas and dry cargoes, but has particular experience of energy shipping and tanker contracts and claims. Her clients include shipowners, charterers, ship managers, oil majors and other energy companies, traders and their insurers/reinsurers.

Jessica is listed by Legal 500 for shipping.

Venue

Where will the course be held?

Auberge du Vieux-Port
97 Rue de la Commune Est
QC H2Y 1J1 Montréal, Canada

<http://aubergeduvieuxport.com/home/>

Organiser



Peter Grube

Peter is Head of Training, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO's Support & Advice in 1990 and was later appointed Marketing & Sales Director. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a sale & purchase broker in Greece.

Peter Grube is a graduate from the Danish School for International Marketing & Export and is a Chartered Shipbroker (FICS). He holds a Master's in Education and Learning from Roskilde University (RUC).



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