



MASTERCLASS WORKSHOP
TOWAGE & SALVAGE

Houston
24-25 September 2020

 **BIMCO TRAINING**

Day 1

08:45-09:15 *Registration/coffee*

09:15-09:35 **Opening remarks and introduction to BIMCO**

09:35-09:45 **Introduction to participants and workshops**

Contracts and general commercial aspects

09:45-10:45 **Overview of the most commonly used contracts in the offshore and energy sector:**

- SUPPLYTIME 89/2005/2017
- WINDTIME
- HEAVYCON 2007/HEAVYLIFTVOY
- TOWCON 2008/TOWHIRE 2008
- PROJECTCON
- BARGEHIRE 2008.

Even though the use of any of these contracts vary considerably, some of them also have a range of common features. What are the strengths and weaknesses of these contracts and how are they used in the industry?

10:45-11:00 *Coffee*

11:00-12:30 **Principles of contract law and their relevance to the contracts:**

- legal systems governing the contract
- How can national law interfere with international law?
- applicable international conventions
- liabilities and indemnities
- some general comments on adding, deleting and managing clauses in charter parties.

12:30-13:15 *Lunch*

13:15-14:30 **Knock-for-knock and general issues of insurance:**

- understanding the Knock-for-knock
- Principle and Mutual Hold Harmless Agreements (MHHA).

14:30-15:15 **General introduction to TOWCON 2008/TOWHIRE 2008:**

- delivery, late delivery and extensions
- vessel description
- vessel maintenance
- non-payment of hire, suspension and withdrawal
- termination.

15:15-15:30 *Coffee*

15:30-17:00 **Case study featuring TOWCON**

Day 2

09:00-10:30 **BARGEHIRE 94/2008 and BARECON:**

BARGEHIRE is used across a wide variety of offshore projects for transporting highly specialized cargoes. Used both in the dry cargo and tanker industry, the form is flexible and can be used worldwide for a range of projects. The form is a special standard bareboat charter for use when chartering non-self-propelled barges for marine related construction operations for both offshore and civil work. The form is based on the terms and conditions of the BARECON 89 Standard Bareboat Charter, but suitably adapted to meet the special requirements of the highly specialized barge chartering business.

- layout of the form – the importance of part I and part II
- cancelling
- ballast engineer
- insurance, repairs and classification.

10:30-10:50 *Coffee*

Salvage

10:50-12:00 **Overview of the most commonly used contracts in the salvage industry:**

- SALVCON 2005
- SALVHIRE 2005
- WRECKHIRE 2010
- WRECKSTAGE 2010
- WRECKFIXED 2010
- LOF 2011.

The BIMCO suite of salvage contracts offers a range of standard wreck removal forms, which address various aspects of contract salvage. The difference is the remuneration either in the form of a daily hire, a fixed price or staged lump sum payments. In recent years, there has been a decline in the use of LOF in favour of other commercial contracts, in some cases, the 2010 versions of the WRECKHIRE, WRECKSTAGE and WRECKFIXED forms. This presentation will look at the forms and how they each fit different scenarios.

12:00-13:00 *Lunch*

13:00-15:00 **Case study bringing together a wide crossover of issues discussed**

15:00-15:30 *Coffee*

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. The purpose is 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



Simon Tatham

Simon is senior partner of Tatham & Co, a specialist shipping law firm based in the City of London.

A particular focus of his practice relates to casualty work, otherwise known as Admiralty or "wet" law, typically handling incidents arising from salvage, collision, strandings, engine breakdowns and fires along with the related insurance and contractual issues that arise. He advises towage, salvage, wreck removal, heavylift, barge and OSV operators, as well as their insurers and hirers, on contract selection, negotiation and disputes. The firm also provides an in house – out house dedicated legal service for tug & towage and OSV contractors worldwide: TugAdvise.com.

Simon speaks at many industry events and comments on the practical side of legal developments in this sector in his bi-monthly column in International Tug&OSV.



Paul Dean

Paul is Global Head of Shipping at HFW managing 200 specialist shipping lawyers across a worldwide network of 20 offices. Paul specialises in offshore and marine, focusing mainly on charter parties, bills of lading, shipbuilding, rig disputes, collisions, fire and explosion, salvage, general average, groundings, total loss, towage, seismic and limitation.

He regularly speaks at and chairs offshore vessel conferences and has been on the BIMCO panel for their "Using SUPPLYTIME" course for over 10 years, the review committee for the SUPPLYTIME 2005 revision and on the drafting committee for BIMCO's new standard form Offshore Dismantling Services Agreement DISMANTLECON. Experience gained working for an International Group P&I club specialising in offshore vessels, enables Paul to combine practical understanding with the legal role.

Paul is identified in the Legal Directories as one of the leading individuals in his fields and in 2019 was elected by Lloyd's List as one of the top 10 maritime lawyers and one of the 100 most influential people in the maritime industry.

Paul has also contributed to the two most recent editions of "The Law Of Tug and Tow and Offshore Contracts" by Simon Rainey Q.C. – "...Paul Dean of HFW, one of the leading and busiest practitioners in the field of offshore contracts and a veritable guru on the topic of the BIMCO forms, particularly "SUPPLYTIME", who as before very kindly gave me the benefit of his great experience and practical insights and with whom once again I have had the great good fortune to work on a host of tricky problems on the various BIMCO forms"



Chris Hart

Chris is Of Counsel at the Houston office of international law firm HFW. His practice focuses on shipping, marine, and energy companies, including litigation and commercial transactions. He is an experienced trial lawyer, resolving disputes in federal and state courts and in arbitration. He advises clients in transactions involving charter parties, maritime contracts, offshore energy and master service agreements, and infrastructure projects with maritime law concerns. Chris also advises on regulatory compliance, including Jones Act coastwise trade and shipping regulations.

Chris has over 25 years of experience with charter parties, sale of goods and transport contracts, maritime liens, ship arrests and maritime attachment remedies, shipping casualties, bunker and cargo disputes, marine pollution, and many issues in the shipping industry. In the energy sector, Chris has experience in upstream and midstream commercial disputes and casualties, onshore and offshore. He has been a speaker and author on topics including bunker contracts, OSV charter parties, coastwise trade laws, offshore drilling, and many maritime law issues.

Before practicing law, Chris sailed as a professional mariner on chemical tanker, crude oil tanker, and general cargo ships.



Carolina França

Carolina is a dual qualified Brazilian lawyer and barrister-at-law in England and Wales with a broad international experience. Carolina's practice focuses on shipping and energy companies. She is an expert on marine and cargo claims, oil pollution, P&I, regulatory matters and shipping casualties. Carolina also advises on Common law/ Civil law jurisdictional conflicts.

Venue

West Gulf Maritime Association

1717 Turning Basin Drive
Suite 200
Houston, TX 77029-4060
USA

www.wgma.org

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).



For more information, please contact:

Bagsvaerdvej 161, DK-2880 Bagsvaerd, Denmark

Tel: +45 4436 6832

Email: training@bimco.org

Web: www.bimco.org/training

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