



The practical voice of shipping

MASTERCLASS TIME CHARTERING

Hong Kong
18-19 April 2024

 **BIMCO TRAINING**

Day 1

The practical aspects of time chartering

09:00-09:30 Overview and developments in time chartering:

- The EEXI Transition Clause for Time Charter Parties 2021
- EU ETS Allowances Clause for Time Charter Parties 2022
- CII Operations Clause for Time Charter Parties 2022.

09:30-10:30 Walkthrough of the most common forms in dry/wet and their unique characteristics:

- BIMCO-approved forms:
 - NYPE 1946, 93, 2015
 - BALTIME 1939 (as revised 2001)
 - GENTIME
 - BPTIME 3
 - BIMCHEMTIME 2005
 - GASTIME.
- Other forms:
 - SHELLTIME 4
 - EXXONMOBIL TIME 2000
 - ASBATIME.

10:30-10:50 Break

10:50-12:15 The duties of the owner:

- The owner's duty is to provide a seaworthy ship and care for the cargo:
 - What is unseaworthiness?
 - The nature of the shipowner's duty to comply with the charter party description
 - The effect of the Hague/Hague-Visby Rules on these duties.
- The owner's duty to comply with legitimate employment orders:
 - Understanding the mechanics of employment clauses and the right and obligations of both the charterer and owner
 - The difference between "employment" and "navigation"
 - Orders which may affect safety and seaworthiness.

12:15-13:15 Lunch

13:15-14:00 Duty of the charterer to nominate safe port(s):

- Definition of a safe port in the context of time chartering
- Importance of the charterer's duty to nominate safe ports
- Overview of relevant legal clauses and regulations (eg, Hague-Visby Rules)
- Charter party terms related to the nomination of safe ports
- Common disputes related to unsafe port nominations.

14:00-14:20 Break

14:20-15:30 Description of the vessel and performance claims:

- Compliance with the speed and performance warranties and terms
- Validity of speed and performance claims; working with evidence and documentation claims
- Enforcement of speed and performance claims; deductions from hire?
- The legal remedies for breaches of the speed and performance warranties.

15:30-17:00 Case study:

Participants will work in small groups on a case study to find solutions to a common commercial dispute. The trainers and participants will discuss the problems arising from the scenario and will look for input from the course participants, and jointly the trainers and participants will look for solutions to the problems and disputes in the case study.

Day 2

The financial aspects of time chartering

09:00-10:00 Time charter duration:

- For how long can the charterer use the vessel?
 - What is an illegitimate last voyage?
 - Who bears the risk of delay?
- the effect of “last voyage” and “without guarantee” clauses.

10:00-10:45 The payment of hire:

- When is the hire due?
- What deductions are allowed?
- The importance of paying hire in full and in advance
- The right to withdraw the ship from the charterer’s service.

10:45-11:00 Break

11:00-11:45 Off-hire clauses:

- General principles
- The difference between “period” and “time lost”
- The effect of specific provisions
- The effect of adding “whatsoever”.

11:45-13:00 Case study:

Participants will work in small groups on a case study to find solutions to a common commercial dispute.

13:00-14:00 Lunch

Other relevant issues

14:00-15:30 Cargo operations and cargo documentation:

- Who is responsible for cargo operations, and how can the owner and charterer best protect their commercial interests?
- The effect of the NYPE Inter-Club Agreement dealing with liability for cargo claims arising under NYPE and ASBATIME
- The importance to the charterer of obtaining the bills of lading
- The effect of a bill of lading imposing a greater liability than that imposed by the time charter
- Who has the right to determine the form of the bill of lading?
- Time charter employment orders which are in conflict with the bill of lading.

15:30-15:50 Break

15:50-17:00 Case study:

Participants will work in small groups on a case study to find solutions to a common commercial dispute.

Speakers



Andrew Rigden-Green

Andrew is a dispute resolution partner at Stephenson Harwood and he is a Fellow of the Chartered Institute of Arbitrators and a member of the Singapore Chamber of Maritime Arbitration. He is an arbitration specialist with particular experience in dealing with shareholder disputes, joint venture disputes, asset financing disputes, international sale contracts, trade and commodity finance, marine disputes, shipbuilding and offshore oil & gas. Andrew is head of the international arbitration team in Hong Kong and co-head of Stephenson Harwood’s Asia international arbitration team.

Andrew has extensive experience in multijurisdictional arbitrations, and in using courts to support such arbitration procedures (in particular to locate and to secure assets for eventual enforcement). He has conducted a number of ad hoc, institutional significant arbitrations both under institutional rules (HKIAC, CIETAC, SIAC, LCIA, ICC) and under trade association rules (ARIAS, LMAA, SCMA). He frequently team up with our international offices in Europe, Middle East and Asia to serve clients from a range of sectors, including shipping, aviation, construction, projects and energy, commodity and financial services. The arbitrations he has been dealing with as an international team have been seated in many different jurisdictions including China, California, Geneva, Germany, Hong Kong, India, London, New York, Paris, Singapore and Thailand. Many of these cases involve support from local courts in the form of anti-suit injunctions, asset preservation orders and freezing orders. Andrew has particular experience in jurisdiction disputes and in obtaining injunctions in support of litigation and arbitration. Andrew also works closely with our CEPA association in Guangzhou which operates under the name Stephenson Harwood Weituo (China) Association, who appears before CIETAC, GAC, SHAC and the South China International Economic and Trade Arbitration Commission. We are ideally placed to handle applications in both jurisdictions.

Andrew’s extensive experience includes representing clients from many diverse cultural and national backgrounds who may not be familiar with arbitration. He is assisted by the fact that he speaks fluent French and Russian and spent most of his life diving in cross-cultural environments.

Andrew has been with the firm since 2001 and has worked in both the London and Hong Kong offices



Elizabeth Sloane

Elizabeth is the head of Stephenson Harwood’s marine and international trade team in Hong Kong. She is a commercial disputes partner specialising in cross border litigation and international arbitration. Elizabeth has extensive experience in fraud and asset tracing, injunctive relief, corporate insolvency, and maritime law.

Elizabeth has advised clients in a wide range of complex disputes and has acted for liquidators, creditors and other stakeholders in insolvencies. She has particular interest and experience in locating and securing the proceeds of fraud, injunctive relief and equitable proprietary remedies.

In the maritime sector, Elizabeth has experience in ship arrest, the judicial sale and auction of ships, jurisdictional challenges, limitation of liability under the 1976 Convention, ship finance enforcement on behalf of lenders, and dry shipping arbitrations involving charterparties and the carriage of goods by sea.

Elizabeth has acted as an expert witness on Hong Kong law in both foreign litigation and international arbitration.

Elizabeth is a Fellow of the Chartered Institute of Arbitrators and a Panel Member of the Singapore Chamber of Maritime Arbitration. She accepts appointments sitting as arbitrator.

Elizabeth is admitted to practice as a solicitor in Hong Kong, England and Wales, and Australia (Victoria and Federal jurisdictions). She has been based in Hong Kong since 2008.

Elizabeth won “Litigator of the Year – North Asia” at the ALB Women in Law Awards 2021. She is ranked as a Next Generation Partner in Legal 500 Asia Pacific, and a Leading Individual in Doyles Guide.

Venue

Stephenson Harwood

43/F, One Taikoo Place
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Organiser



Sibyl Xu

Sibyl is Product Manager, Asia at BIMCO.



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