



The practical voice of shipping

MASTERCLASS
ADVANCED
BILLS OF LADING

Hong Kong
28-29 November 2023

 **BIMCO TRAINING**

Day 1

- 09:00-10:00 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.
- 10:00-10:45 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.
- 10:45-11:00 Break**
- 11:00-12:15 The functions of the bill of lading:**
- the B/L as a receipt
 - the B/L as evidence of contract of carriage
 - the B/L as document of title.
- 12:15-13:15 Lunch**
- 13:15-14:00 Combined and through transport bills of lading:**
- discussion of potential complications that can arise during combined and through transport, such as delays, damages, and jurisdictional issues
 - the networking principle – how multiple carriers and modes of transport are interconnected within a single shipment
 - discussion of the advantages and disadvantages of using the networking principle
 - freight forwarders and NVOCCs – their responsibilities: documentation, cargo consolidation, and carrier selection; how they facilitate multi-modal transportation and work with various carriers.
- 14:00-15:15 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?
 - to order bills, straight bills, seaway bills
 - discussion on the development of eBLs and status on the BIMCO initiative “25 by 25 pledge”, where shippers commit to a target of moving at least 25% of a commodity on eBLs by 2025.
- 15:15-15:30 Break**
- 15:30-17:00 Case study for all participants (group work)**

Day 2

- 09:00-10:30 Bills of lading and related risks:**
- Bill of lading does not match the Letter of Credit. Analysis of the complexities that arise when the details within the bill of lading do not align with the terms specified in the letter of credit.
 - Bill of lading is lost or has gone missing.
 - Understand the implications for cargo owners, carriers, and other parties involved
 - practical steps and legal remedies to address such scenarios.
 - Bill of lading not available at the discharge port. Understand how this situation can impact cargo release, the legal rights of stakeholders, and the potential for disputes.
 - common issues with ante-dated B/L's and the effect on the shipper and subsequent holder
 - discussion on fraudulent or “false” B/L's
 - commingling of cargoes;
 - what is commingling and blending;
 - legal and insurance problems documentary problems.
 - the P&I position.
- 10:30-10:45 Break**
- 10:45-12:15 Letters of Indemnity:**
- obtaining the release of cargo without presenting the original bill of lading
 - benefits and limitations of letters of indemnity
 - potential risks and legal implications associated with using LOIs
 - importance of clear terms and conditions to protect all parties involved.
 - bank guarantee and bank countersignature
 - legal considerations and enforceability
 - jurisdiction-specific regulations and legal frameworks for LOIs
 - enforceability challenges and potential disputes.
- 12:15-13:15 Lunch**
- 13:15-14:30 Misdelivery claims:**
- understanding misdelivery claims
 - common causes of misdelivery
 - legal framework and liabilities
 - preventing misdelivery
 - best practices for handling misdelivery claims
 - case studies and examples.
- 14:30-14:45 Break**
- 14:45-15:30 Switch bills of lading:**
- reasons for switching bills
 - practical problems with switching bills
 - the risks of switching bills
 - potential additional liabilities
 - LOI's and charter clauses.
- 15:30-17:00 Case study for all participants (group work)**

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

Where will the course be held?

The course venue will be confirmed approximately 8 weeks before the start of the course so we can find a suitable venue for the number of participants.

Organiser



Sibyl Xu

Sibyl is Product Manager, Asia at BIMCO.



For more information, please contact:

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