

Bills Of Lading Incorporating Charterparties

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Charter-parties
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About Bills of Lading Incorporating Charterparties. Vessels very frequently serve under a long chain of charterparties and sub-charterparties. When this is the case, the legal issues are more convoluted than they might at first seem. Incorporation clauses are commonplace in bills of lading used in the tramp trade due to the desire to make this ...

Bills of Lading Incorporating Charterparties: Melis Özdel ...
of the incorporation of charterparty terms into bills of lading, this book discusses and analyses the legal and practical issues surrounding this topic under English and US law. Through discussions on the incorporation of a wide range of different charterparty terms, the book combines the peculiar and sophisticated rules of incorporation with the legal and practical issues

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Incorporation clauses are commonplace in bills of lading used in the tramp trade due to the desire to make this web of contracts back-to-back. The extent to which the terms of the charterparty referred to can be carried across to the bill of lading has, over the centuries, been hotly disputed in many jurisdictions.

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Turning to charterparty law and jurisdiction clauses, under English Law these clauses will only be incorporated into a bill of lading when the incorporation clause printed on the bill specifically states that the law and jurisdiction clause of the charterparty is incorporated.

Incorporating charterparty terms into a bill of lading
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When this is the case, the legal issues involved are more convoluted than they might at first seem. Incorporation clauses are commonplace in bills of lading used in the tramp trade – where ships do not have a fixed schedule or published ports of call – as a result of the desire to make the web of contracts operate seamlessly. The extent to which the terms of the charterparty can be carried across to the bill of lading has, over the centuries, been hotly disputed in many jurisdictions.

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The issue of incorporation of a charterparty arbitration clause into a bill of lading was considered in "Sea Venture" Volumes 16 1 and 17 2 in the context of the decision in the "Nerano" 3. This issue has been considered more recently in the "Delos" 4 where the charterparty provided inter alia:

Incorporation of Charterparty Terms into Bills of Lading
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Bills of lading and charterparties. In exercising the authority to sign bills of lading the charterers, agents and masters must ensure that the terms within the bill of lading are consistent with those in the charterparty that require a bill of lading to be signed and issued. Terms, which are merely different, do not pose a problem.

Bills of lading and charterparties—Ship Inspection ...
Incorporation clauses are commonplace in bills of lading used in the tramp trade due to the desire to make this web of contracts back-to-back. The extent to which the terms of the charterparty referred to can be carried across to the bill of lading has, over the centuries, been hotly disputed in many jurisdictions.

Bills of Lading Incorporating Charterparties eBook by ...
Incorporation of charterparty clauses into Bills of Lading. Incorporation of charterparty clauses into Bills of Lading. Much has been said about the unfairness of binding bill of lading holders with the charterparty contracts, the copies of which are rarely provided together with the bills of lading. Besides, many people felt strongly that importing the provisions of an unseen contract creates a more risky international trade environment.

Incorporation of charterparty clauses into Bills of Lading ...
Through the eyes of English courts, the dispute was subject to arbitration in London, with the bill of lading effectively incorporating the charterparty arbitration clause pursuant to English law, which was the putative applicable law of the bill of lading.²¹