



Drafting Charterparty Contracts

LIVE ONLINE TRAINING

19 - 22 March 2024

SINGAPORE

16 - 17 May 2024

21 - 22 November 2024



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Course Information

Live Online Training

19 - 22 March 2024 | Part 1 | 19 March | Part 2 | 20 March | Part 3 | 21 March | Part 4 | 22 March | 11am - 3pm SGT

Face to Face Training

SINGAPORE | 16 - 17 May 2024 | 21 - 22 November 2024

Key Learning Objectives

- Gain a clearer perspective of the nature of maritime trade
- Understand the different forms of Charterparty contracts
- Become familiar with the function of Bills of Lading
- Gain insight into risk allocations between Carrier and Owner
- Know the importance of other contractual related issues such as fuelling, dry docking and repairs
- Grasp the factors that could impinge upon the performance of a Charterparty Contract such as adverse weather and delay
- Understand payment and contract settlement issues

Who Will Benefit

- Ship owners and managers
- Charterers including Importers
- Exporters and Traders
- Shipbrokers
- Port and ship agents
- P&I personnel
- Logistics and shipping professionals
- Legal advisers, solicitors and barristers
- Freight forwarders
- Government bodies and representatives



Course Information

Meet Your Course Director

About the Course

International maritime trade is one of the largest and most complex fields of human endeavour. It is continuous and ensures that many other businesses and industries remain supplied with the goods and materials that are required for their daily operations. Underpinning this vast commercial endeavour are the vessels themselves utilised to carry a huge array of cargos to destinations anywhere and everywhere on the planet.

These vessels are subject to complex legal agreements known as 'Charterparty Contracts' which come in various forms and serve different purposes. Given the complexity, risk and uncertainty of the maritime trade, it is imperative that these contracts and agreements establish the rights, duties and obligations of the parties to one another as well as offering protection and certainty by managing the interface with other relevant necessary components such as insurance and compliance requirements internationally.

The Drafting Charterparty Contracts course has been designed to be an immersive experience with focus on open dialogue and problem-solving exercises and case studies throughout.



Gerald Yee
Partner, Hill Dickinson Singapore

Gerald has more than 25 years' experience as a disputes resolution lawyer with a practice focussing on shipping, marine insurance, commodities and oil and gas disputes. His extensive experience in contentious and non-contentious shipping work includes admiralty enforcement, cargo claims, oil and gas disputes for well-known oil majors, contracts of affreightment, marine insurance and P&I matters. He also has experience in marine restructuring and insolvency matters. Gerald also has significant insurance experience, covering trade credit enforcement and recovery, as well as general liability. He conducts mediation and arbitration proceedings in UK, Singapore and regionally, in both institutional and non-institutional arbitrations, and also instructs local counsel in the conduct of proceedings in China, Malaysia, Indonesia, Vietnam and Thailand.

Gerald's notable experiences include:

- Drafting of charterparties (bareboat/long-term time CPs) and additional/ rider clauses and financial leasing arrangements.
- Drafting Bunker Trading and Supply including Commodity Swap Agreements.
- Conversant with Ship Arrests matters. Instructed foreign counsel on matters related to carriage of goods by sea and air in Malaysia, Indonesia, Vietnam, Greece, Turkey, United Kingdom, Switzerland, Greece, Cyprus and Lagos, Nigeria.
- Instructed in matters or act for various clients (Oil Majors, Ship Owners, Charterers, Shipyards and Banks) including ExxonMobil, Chevron Texaco, UNIPPEC, SINOCHEN Oil, International Far Eastern Leasing Co. (part of the Sinochem Group), ABN AMRO BANK NV, Bank of Communication, Rongsheng Heavy Industries and Hudong Zhonghua Shipyard.



"Very insightful, very relevant to our current business, gives a good perspective"

Managing Director, Ocean Network Express (Singapore)

"I acquired many new & interesting charterparty clauses never used before and gained knowledge of vessel's performance/ under-performance claims, carriers' responsibility as well as safety clauses"

Assistant Manager – Chartering, NOVA Carriers

"It was informative and the trainer had a good depth of knowledge"
Chartering and Operations Executive, Global Marine Logistics Pte Ltd

Course Outline

INTRODUCTION

- Ship Chartering – what does it mean?
- The 2 main strategies of Chartering
- The meanings of the different types of charters – voyage, time, bareboat, contracts of affreightment
- Tanker trades
- Key vessel parameters of consideration

VOYAGE CHARTERS – KEY CLAUSES FOR DRAFTING EXAMINED

In this section of our charter party drafting training course, some of the key clauses that are vital from the contractual drafting perspective are presented and discussed – issues such as the specific vessel characteristics; voyage time, the issue of deviation clauses; 'Dead Freight', Demurrage and Laytime, FM and the arbitral clause and many more. Case Study and exercise

TIME CHARTERS – KEY CLAUSES FOR DRAFTING EXAMINED

In this section some of the key clauses that are vital from the contractual drafting perspective are presented and discussed – issues such as usage of 'standard form' charters; the 'Freight Rate', vessel characteristics, speed and bunkering (fuel consumption/refuelling issues), period of charter, the 'off-hire' clause, liability for cargo damage, the 'Division of Responsibility', etc. Case Study and exercise

BAREBOAT CHARTERS

- What makes a bareboat charter different from other forms?

- All operational and managerial functions controlled by charterer (except capital costs)
- Bareboat charters and purchase options – a form of 'financial leasing'
- Other reasons for Bareboat charters – not wanting to make additional investment (therefore risk) – additional tonnage required for a specific period of time
- Important clauses – vessel description and characteristics, the 'hire' period, delivery and redelivery of vessel 'hire' amount, payment, ship maintenance, Insurance

CONTRACTS OF AFFREIGHTMENT (CONTRACT CHARTERS)

- A 'hybrid charter' combination of elements of both time and voyage charters – AKA 'volume contract'
- Co-operation the key
- Normally medium to long term
- Specific quantities of cargo at agreed dates within an agreed time period
- Advantages of a CoA

BILLS OF LADING – MAJOR TERMS AND CONDITIONS

In this section of the charterparty contract drafting course, the key terms and conditions associated with the Bill of Lading are examined and why they are important from a drafting perspective – issues such as The 'Clause Paramount'; Responsibility for Carriage; 'Voyage Clause'; 'Container Clause', The 'Transshipment Clause'; Dangerous goods; 'Freight Clause, Lien, General Average Clause, 'Both to blame' collision clause, the New Jason Clause; etc. are discussed.

RISK ALLOCATION IN CHARTER PARTIES

- The 2 'Broad Categories' of maritime risk – loss or damage to ship or cargo, risk associated with delay
- Class exercise – the 'Doric Pride' case
- The 'Global Santosh' case

SOME FURTHER CONTRACTUAL ISSUES

- Drydocking and repairs
- Fueling
- Coverage of port charges
- Pilotage and tugs
- Force Majeure provisions
- Class exercise

TRANSPORTATION AND LOADING

- Adverse weather provisions
- Compatibility between vessel and infrastructure
- SIGTTO/SIGTTO Paper no.5
- Port Liability Agreements
- The NOR
- WIPON
- Berthing assignments

CONTRACT SETTLEMENT (INVOICING AND PAYMENT)

- The Buyer's and Seller's Heads of Agreement
- Payment terms
- Late payment and suspension
- Dealing with payment disputes
- The importance of the Dispute Resolution Clause

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