

BILLS OF LADING

Clausing bills of lading

Executive summary

- 'Clean' bills of lading or Mate's Receipts should not be issued if the cargo contains observable defects on loading.
- Failing to clause bills of lading may prejudice the P&I cover.
- A charterparty requirement to sign bills of lading 'as presented' does not remove the carrier's obligation to accurately record the apparent order and condition of the cargo on loading.

A. Who is this guide intended for?

This guide is written with the Master, member, in-house claims team or legal counsel in mind, or whoever else is part of the process of issuing/signing the bills of lading.

PRACTICAL GUIDE

For additional comments, we refer the reader to the Club's publication *'In Focus: Clausing bills of lading'*

B. What is 'clausing' the bill of lading?

Clausing a bill of lading is the process of inserting written remarks on the bill of lading regarding the quality or condition of the cargo that existed on loading the cargo on board the ship.

C. What is a bill of lading called which is not claused?

A bill of lading that does not contain any remarks (and is therefore not claused) is called a 'clean' bill of lading.

D. Why do shippers sometimes ask for clean bills of lading to be issued, even though the cargo is damaged upon loading?

If the sale of the cargo is financed using Letters of Credit, the Letters of Credit may require that 'clean' bills of lading are issued. If claused bills of lading are issued, the seller of the cargo may not get paid. This is one reason why shippers sometimes ask for clean bills of lading to be issued, even though the cargo is damaged on loading.

E. Should 'clean' bills of lading be issued if the cargo is damaged upon loading?

The Master must insist on clausing any bill of lading where damage or contamination has been observed on the cargo on loading. Clean bills of lading are therefore not to be issued even if the shipper so requires.

If, nonetheless, it becomes a commercial necessity to issue clean bills of lading, this should only be done after due consideration

A Practical Guide To Bills Of Lading

C. F. Powers



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