

BIMCO

The practical voice of shipping

MASTERCLASS **TIME CHARTERS**

Athens

2-3 November 2023

 **TRAINING**

Day 1

The practical aspects of time chartering

- 09:00-09:30 Introduction to the documentary work of BIMCO:**
- Drafting BIMCO standard contracts and clauses
 - Update on BIMCO contracts and clauses
 - 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

09:00-10:15 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



Baris Soyer

Professor Soyer is the Director of the Institute of International Shipping and Trade Law at Swansea University (www.swansea.ac.uk/law/ist/). He is a member of the British Maritime Law Association and British Insurance Law Association. He is the author of Warranties in Marine Insurance published by Cavendish Publishing (2001), Marine Insurance Fraud published by Informa Publishing and of an extensive list of journal articles published in elite journals such as Lloyd’s Maritime and Commercial Law Quarterly, Journal of Business Law, Cambridge Law Journal, Edinburgh Law Review, Law Quarterly Review, Torts Law Journal and Journal of Contract Law. He sits on the editorial boards of the Journal of International Maritime Law, Shipping and Trade Law and editorial committee of the Lloyd’s Maritime and Commercial Law Quarterly (International Maritime and Commercial Law Yearbook). He currently teaches Admiralty Law, Charter parties: Law and Practice and Marine Insurance on the LLM Programme, and is the Director of Shipping and Trade LLM programmes at Swansea.



Sophie Pollard

Sophie advises on a wide range of contentious shipping matters, disputes arising out of charter parties, bills of lading, ship building contracts, and contracts of affreightment. She also has experience advising on general average and salvage following marine incidents.

Sophie acts for P&I Clubs, shipowners and charterers, as well as cargo owners. She regularly advises clients in LMAA Arbitrations and High Court proceedings. Her cases are often multi-jurisdictional aspects, which involve working closely with foreign lawyers in matters such as enforcement.

Sophie also has experience in advising clients in respect of non-contentious matters, such as ship sale and purchase, ship management and supply time contracts.

Prior to joining Clyde & Co, Sophie worked for another leading international law firm in their Shipping and International Trade team.

Venue

Athens Marriott Hotel

385 Syngrou Avenue
17564 Athens, Greece

Organisers



Peter Grube

Peter is Head of Training, responsible for developing and delivering BIMCO courses and seminars world-wide. He joined BIMCO’s Support & Advice in 1990 and was later appointed Marketing & Sales Director. Prior to joining BIMCO he worked at a shipowning office in Copenhagen, as well as a sale & purchase broker in Greece.

Peter Grube is a graduate from the Danish School for International Marketing & Export and is a Chartered Shipbroker (FICS). He holds a Master’s in Education and Learning from Roskilde University (RUC).



Elena Tassioula

Elena is General Manager of BIMCO for Greece and Cyprus based in Athens. She is also responsible for the execution of BIMCO training and seminars in Greece and Cyprus. Prior to joining BIMCO she worked for a shipowner in Singapore and Athens and before that in the energy sector. She has wide international commercial and managerial experience, a degree in International Marketing and Strategy and speaks 6 languages. Elena is a member of WISTA.



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