

## **Bill of Lading**

### **Group 3: Gúguel**

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#### 1. Introduction

##### a. History:

Origin: Middle Ages

Nowadays: Electronic B/L

b. Definition: A bill of lading is a document issued by a carrier to a shipper, acknowledging that the goods have been received on board as cargo to be transported to a named place for delivery to the consignee.

##### c. Functions:

- Receipt
- Contract
- Document of transfer

#### 2. Parts

##### **1. Definition.**

“Merchant” includes the shipper, the receiver, the consignor, the consignee, the holder of the Bill of Lading, the owner of the cargo and any person entitled to possession of the cargo.

"Merchant" means any actual or previous holder of this Bill of Lading, and shall include shipper, consignor, consignee, owner and receiver of the Goods, and their agents.

Merchant is just a ROLE = contratista/comerciante

Holder of the Bill of Lading= Means any Person for the time being in possession of (or entitled to the possession of) this Bill of Lading: tenedor del conocimiento de embarque

Shipper / Consignor: fletador, exportador, expedidor, cargador. Consignador, remitente

Carrier /Owner of the vessel/ Shipowner : porteador/transportista/armador

Receiver/consignee: perceptor, receptor, destinatario, consignatario

Servants: servidores

Owner of the cargo: propietario del cargamento

Agent = Any person acting on behalf of any such Person.

Agent of the Carrier

### 3. Types

- Liner B/L
- Through and Combined/Multimodal/Intermodal: different ships and/or different means of transportation.
- Short form/express release/seaway Bill of lading: “cartas de porte marítimo” is **not** a document of title
- Bill of lading for container transport: obsolete.
- Stale bill of lading: not acceptable as a valid document.

A B/L may be...

Master	vs	House
Short		Long
Clean		Foul
Received		On board
Straight		Order
Direct		Port to port

### 4. Clauses

CONLINEBILL 2000	Previous CONLINBILL
Clause 1-Definition	Clause 1-Definition
Clause 2-Notification	X
Clause 3-Liability for Carriage Between Port of Loading and Port of Discharge.	Clause 2-General Paramount Clause
Clause 4 - Law and Jurisdiction	Clause 3-Jurisdiction
Clause 5 - The Scope of Carriage	Clause 4- Period of Responsibility. Clause 5- The Scope of the Voyage
Clause 6- Substitution of Vessel	Clause 6- Substitution of Vessel, Transhipment and Forwarding
Clause 7- Transhipment	Clause 6- Substitution of Vessel, Transhipment and Forwarding + Clause 7- Lighterage
Clause 8- Liability for Pre- and On- Carriage	X
Clause 9 - Loading and Discharging	Clause 8- Loading, Discharging and Delivery
X	Clause 9- Live Animals and Deck Cargo
X	Clause 10- Options
Clause 10 - Freight, Charges, Costs, Expenses, Duties, Taxes and Fines	Clause 11- Freight and Charges
Clause 11 - Lien	Clause 12- Lien
Clause 12 - General Average and Salvage	Clause 13- Delay
Clause 13 - Both-to-Blame Collision Clause	Clause 14- General Average and Salvage
Clause 14 - Government directions, War, Epidemics, Ice, Strikes, etc.	Clause 15- Both- to-Blame Collision Clause
X	Clause 16- Government directions, War, Epidemics, Ice, Strikes, etc.
Clause 15 - Defences and Limits of Liability for the Carrier, Servants and Agents	Clause 17- Identity of Carrier.
Clause 16 - Stowage	Clause 18- Exemptions and Immunities of all servants and agents of the Carrier.
	Clause 19- Optional Stowage. Unitization.

<b>Clause 17 - Shipper-Packed Containers, trailers, transportable tanks, flats and pallets</b>	<b>X</b>
<b>Clause 18 - Return of Containers</b>	<b>X</b>
<b>ADDITIONAL</b> <b>X</b>	<b>ADDITIONAL</b> <b>A. Demurrage.</b>
<b>U.S. Trade Period Responsibility.</b>	<b>U.S. Trade Period Responsibility.</b>

### 5. Linguistic issues

- Very formal and archaic language

- Noun phrases with “of” (maintenance of vessel, scope of carriage...)
- “shall” and “to + infinitive”
- Adverb + preposition compounds (whereof, herein...)

- Use of capital letters (watch out when translating!)

Example:

**SHIPPED** on board in apparent good order and condition (unless otherwise stated herein) the total number of Containers/Packages or Units indicated in the Box opposite entitled “Total number of Containers/Packages or Units received by the Carrier” and the cargo as specified above, weight, measure, marks, numbers, quality, contents and value unknown, for carriage to the Port of discharge or so near thereunto as the vessel may safely get and lie always afloat, to be delivered in the like good order and condition at the Port of discharge unto the lawful holder of the Bill of Lading, on payment of freight as indicated to the right plus other charges incurred in accordance with the provisions contained in this Bill of Lading. In accepting this Bill of Lading the Merchant\* expressly accepts and agrees to all its stipulations on both Page 1 and Page 2, whether written, printed, stamped or otherwise incorporated, as fully as if they were all signed by the Merchant. One original Bill of Lading must be surrendered duly endorsed in exchange for the cargo or delivery order, whereupon all other Bills of Lading to be void. IN WITNESS whereof the Carrier, Master or their Agent has signed the number of original Bills of Lading stated below right, all of this tenor and date.

Apart from the examples of the formal and archaic use of language, we can see here to clauses that are of fundamental importance:

“Shipped on board” → implies that the cargo is already loaded. If the B/L is issued before the loading, it will say “received”

“Contents and value unknown” → it serves to protect the Carrier against any mistake in the description of the goods. It implies that the Carrier has received the cargo, but he has not checked whether the description provided by the Shipper is accurate or not.

## 6. Glossary

<b>English</b>	<b>Spanish</b>
Assign	Agente
Blank B/L	C/E en blanco
Bailee	Depositario
Berth	Muelle de atraque
Carrier	Porteador
Charges	Gastos
Clean B/L	C/E limpio o sin tacha
<b>Collision</b>	<b>Abordaje</b>
Consignee	Consignatario
Container	Contenedor
Custom House	Aduana
<b>Deadfreight</b>	<b>Falso flete</b>
Demurrage rate	Tarifa de demora
Direct B/L	C/E sin transbordo
Dirty B/L	C/E sucio
Due (s.)	Derecho
Duty	Tasa
Enactment	Decreto
Expenses	Gastos
Forward (v.)	Expedir
Forwarding Agent	Agente expedidor
Freight	Flete
General average	Avería gruesa
Gross negligence	Negligencia grave
Gross register tonnage (GRT)	Tonelaje de registro bruto (TRB)
Gross weight	Peso bruto
Hague-Visby rules	Reglas de La Haya-Visby
Holder (of the B/L)	Tenedor (del C/E)
Independent contractor	Contratista especial
Lien	Derecho de retención
Lighterage	Aligeramiento
Long B/L	C/E largo
Mariner	Navegante
Marks and numbers	Marcas y números
Master	Capitán
<b>Merchant</b>	<b>Contratista, propietario de la carga</b>
On board B/L	C/E a bordo
On-carrier	Porteador actual
Owner of the Vessel, Shipowner	Armador
Parcel	Partida de la carga
Particular average	Avería particular
Pilot	Práctico
Pre-carriage	Pre-transporte
Pre-carrier	Pre-porteador
Prepayable freight	Flete pre-pagadero
Receiver	Receptor
Reship	Reembarcar
Salvage	Salvamento

Salving vessel	Buque de salvamento
Seaworthiness	Navegabilidad
Servant	Empleado
<b>Shipper</b>	<b>Cargador*, exportador</b>
Short B/L	C/E corto
Stale B/L	C/E demorado o vencido
Stowage	Estiba
Stow	Estibar
Tender (v.)	Entregar
Through B/L	(No se traduce)
<b>Trade</b>	<b>Tráfico</b>
Trailer	Remolque
Transportable tank	Tanque transportable
Transshipment	Transbordo
U.S. Carriage of Goods by Sea Act	Ley de transporte marítimo de mercancías de los EEUU
Vessel	Buque
York-Antwerp Rules	Reglas de York-Amberes

## Acronyms

ACRONYM	MEANING
A.F.	Advanced Freight
Ad. Val.	Ad Valorem
BAF	Bunker Adjustment
BIL	Bill of Lading
B.S.	Bunker Surcharge
b.t.	Berth Terms
C.A.D.	Cash Against Documents
C.A.F.	Currency Adjustment Factor
CBF	Cubic Feet
CBM	Cubic Meters
CLd	Cleared
CI	Consular Invoice
CO	Certificat of Origin
C.O.B.	Cargo on Board
C.O.D.	Cash on Delivery
C.O.S.	Cash on Shipment
CS	Collection Surcharge
CT.	Combined Transport
CWE	Cleared Without Examination
dd	Delivered
d.f.	Dead Freight

<b>Dis.</b>	Discount
<b>D.O.</b>	Delivered order
<b>D/P</b>	Documents against payment
<b>Dy.</b>	Delivered
<b>E.L.S.</b>	Extra Length Surcharge
<b>E.W.S.</b>	Extra Weight Surcharge
<b>FBL</b>	FIATA Combined Transport Bill of Loading
<b>FCL</b>	Full Container Load
<b>Fr.</b>	Freight
<b>L/C</b>	Letter of Credit
<b>LCL</b>	Less than Container Load
<b>LT</b>	Liner Terms
<b>LT</b>	Long Ton
<b>M.R.</b>	Mates Receipt
<b>m/s</b>	Motor Ship
<b>m/v</b>	Motor Vessel
<b>MT</b>	Metric Ton
<b>O/D</b>	Over Deck
<b>o/o</b>	Order Of
<b>o/a</b>	Overall
<b>PPd</b>	Prepaid
<b>r.o.b.</b>	Remaining on Board
<b>SB</b>	Short Bill of Lading
<b>STC</b>	Said to Contain

## 7. References:

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