



December 2012

**Bill of Lading – ports of loading and shipment date(s)
DCInsight Vol. 18 No. 4 – Opinion No. TA 726**

Having re-read the Opinion TA 726 a couple of times I feel compelled to take issue with some of the points discussed therein. There should / need be only one on-board notation and this would relate to the date at which the full quantum stated in the bill of lading had indeed been loaded on board. Assuming the buyer/applicant had good reason for having goods shipped at two specific ports (and had thus made this a term of the LC) a separate notation stating the prior port of loading would suffice to evidence compliance.

Regarding the second part of the rationale viz “that all parts of the shipment have been completed within the time limits stipulated in the L/C” one needs to be reminded that the owner or master would be acting *ultra vires* in issuing a B/L for the taking on board of goods prior to this event having taken place.¹ Carver states² that: “A “shipped” bill is one which states that goods have been shipped, i.e. put on board the carrying ship.” In view of the above, the statement in the Analysis viz “Whilst it is conceivable that the shipping company would only issue and/or add a dated on board notation ... once the final shipment had been completed ...” imputes the possibility that another course of action were permissible. This could only be the case if the issuer were acting illegally.

It is open to the shipper / beneficiary to present two separate B/Ls, one for each cargo shipped³ at each respective port of loading, however if only one B/L were furnished then a reference to the ports of loading stipulated in the L/C would suffice, as the (final) quantity stated therein must, in aggregate, have been taken on board by the master/owner at the time the B/L was issued or at the date of superimposing a separate on board notation. This would achieve parity with the logic of UCP 600 Art. 31 b. with regards to defining both the final quantum shipped as also applicable date of shipment.

¹ The Hague Rules 1924, Art. III, Clause 7. “After the goods are loaded ...” which clausing is reiterated in the Carriage of Goods by Sea Act 1971 at Article III, Item 7. and the Carriage of Goods by Sea Act 1992 in Clause 4. (a) viz “represents goods to have been shipped on board a vessel shall, in favour of a person who has become the lawful holder of the bill, be conclusive evidence against the carrier of the shipment of the goods ...”

² Carver on Bills of Lading, 2nd ed. (London, Sweet & Maxwell) 2005 at para 1-010 pp 8

³ subject to compliance with UCP 600 Article 31 b.