

## Bill of Lading Terms & Conditions

### 1. Definitions

**Carrier:** Means the whole of the operations and services undertaken or performed by or on behalf of the Carrier in respect of the Goods, including but not limited to the ocean carriage of goods.

**Carrier:** Means the Company stated on the front of this Bill of Lading as being the Carrier and on whose behalf this Bill of Lading has been signed by the Carrier itself or by its agent.

**Charges:** Means freight and all expenses and obligations incurred and payable by the Merchant.

**COGSA:** Means the Carriage of Goods by Sea Act of the United States of America approved on 16th April 1936.

**COGWA:** the Carriage of Goods by Water Act 1936 of Canada.

**Hague Rules:** Means the provisions of the International Convention for Unification of certain Rules relating to Bills of Lading signed at Brussels on 25th August 1924.

**The Hague Rules as Amended by the Brussels Protocol 1968:** Means the Hague-Visby Rules.

**Combined Transport:** Arises where the carriage called for by this Bill of Lading is not a Port to Port shipment.

**Container:** Means any container, trailer, transportable tank, lift van, flat, pallet, or any similar article of transport used to consolidate goods. Container owned by the Participating Carrier shall be, for the purpose of this Terms & Conditions and/or contract for carriage, deemed as being owned by the Carrier.

**Defences:** Means all rights, immunities, exclusions, exemptions, defences, limitations, however described (no matter whether arising by law or by contract), which might abate, bar, defeat or diminish any recovery against the Carrier.

**Freight:** Means all of the charges payable by or in connection with the Goods: ocean freight and other charges provided by the Carrier's applicable tariff, including but not limited to ad valorem charges, advance charges and less than full container load service charges, currency adjustment factor, bunker adjustment factor, surcharges, war risk premiums, arbitrary and accessorial charges; all charges arising as a result of changing the port of loading or discharge, and expenses arising or incurred under this Bill of Lading; additional freight or other charges; dead-freight; special freight for the carriage of special containers; return freight if the Goods are returned, as well as storage, demurrage or detention charges.

**Goods:** Means the cargo supplied by the Merchant and includes any Container not supplied by or on behalf of the Carrier.

**Merchant:** "Merchant" includes the shipper, the consignee, the receiver or the Goods, the holder of this Bill of Lading, any person owning or entitled to the possession of the Goods or this Bill of Lading, any person having a present or future interest in the Goods or any person acting on behalf of any of the above mentioned persons, as well as any principal of that person.

**Holder:** Means any person for the time being in possession of this Bill of Lading or to whom rights of suit and/or liability under this bill of lading have been transferred or vested.

**Package(s):** The Container when the Goods are shipped in a Container.

**(S)kid or pallet** when Goods are shipped on a skid or pallet and stuffed in a Container, and the Container is adjudged not to be the package for the purposes of the Carrier's limitation of liability.

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per kilogram of gross weight of the Goods or damaged, whichever is the higher. In no limitation amount is applicable under either of the Rules or other legislation the limitation shall be US\$500 per Package or customary freight unit or 2 SDR per kilo of the Goods damaged or lost, whichever is less.

9.3. Ad Valorem Declared Value of Package or Shipping Unit: The Carrier's liability may be increased to a higher value by a declaration in writing of the value of the Goods by the shipper upon delivery to the Carrier of the Goods for shipment, such higher value being inserted on the front of this Bill of Lading in the space provided and, if required by the Carrier, extra freight paid. In such case, if the actual value of the Goods shall exceed such declared value, the value shall nevertheless be deemed to be the declared value and the Carrier's liability, if any, shall not exceed the declared value and any partial loss or damage shall be adjudged pro rata on the basis of such declared value.

9.4. Rust, etc. It is agreed that superficial rust, oxidation or any like condition due to moisture is not a condition of damage but is inherent to the nature of the Goods and the acknowledgement of the receipt of the Goods in apparent good order and condition is not a representation that such conditions of rust, oxidation or the like did not exist on receipt.

10. **Notice of Loss or Damage**  
The Carrier shall be deemed prima facie to have delivered the Goods as described in this Bill of Lading unless notice of loss or damage to the Goods indicating the general nature of such loss or damage has been given in writing to the Carrier or to his representative at the place of delivery before or at the time of removal of the Goods into the custody of the person entitled to delivery thereunder under this Bill of Lading or, if the loss or damage is not apparent, within three consecutive days thereafter.

11. **Time-bar**  
11.1. Unless notice of loss and the general nature of such loss be given in writing to the Carrier at the port of discharge or place of delivery before or at the time of delivery of the Goods or if the loss is not apparent, within three (3) consecutive days after that delivery, the Goods shall be presumed to have been delivered as described in this Bill of Lading.

11.2. In any event, the Carrier shall be discharged from all liability in respect of loss unless suit is brought within one (1) year after delivery of the Goods or the date when the Goods should have been delivered.

12. **Merchant's Responsibility**  
12.1. The description and particulars of the Goods set out on the face hereof are furnished by the Merchant and the Merchant warrants to the Carrier that the description and particulars including, but not limited to, of weight, content, measure, quantity, quality, condition, marks, numbers and value are correct.

12.2. The Merchant shall comply with all applicable laws, regulations and requirements of customs, port and other authorities and shall bear and pay all duties, taxes, fees, imposts expenses and losses incurred or suffered by reason thereof or by reason of any illegal, incorrect or insufficient marking, numbering or addressing of the Goods.

12.3. The Merchant undertakes that the Goods are packed in a manner adequate to withstand the ordinary risks of transport and shall be liable in respect of their nature and in compliance with all laws, regulations and requirements which may be applicable.

12.4. No Goods which are or may become dangerous, inflammable or damaging or which are or may become liable to damage any property or person whatsoever shall be tendered to the Carrier for Carriage without the Carrier's express consent in writing and without the Container or other covering in which the Goods are to be transported and the Goods being distinctly marked on the outside so as to indicate the nature and character of any such articles and so as to comply with all applicable laws, regulations and requirements. If any such articles are delivered to the Carrier without such written consent and marking or if in the opinion of the Carrier the articles are or are liable to become of a dangerous, inflammable or damaging nature, the same may at any time be destroyed, disposed of, abandoned, or rendered harmless without compensation to the Merchant and without prejudice to the Carrier's right to sue the Merchant.

12.5. The Merchant shall be liable for the loss, damage, contamination, soiling, detention or demurrage before, during and after the Carriage of property (including, but not limited to, Containers) of the Carrier or any person or