

UNIT EIGHT (A)

CARGO PROCEDURES - RECEIVING

Guessing words from the context

Goods or packages which are received in unsound condition clearly cannot be delivered in a _____ condition. It is essential, therefore, that a careful watch be _____ at all times when loading for any packages which may have been tampered with or which are _____ or inadequately protected, broken, leaky, damaged, repaired, spilled, torn or stained.

Packages that are torn, badly broken, leaking or tampered with should be _____. If, after satisfactory reconditioning, it is decided to accept the shipment, the Mate's receipt must be suitably _____ - a clean receipt should not be given unless the condition of the _____ is in all respects identical with its fellow with which exception has not been taken.

Reading text 1

Goods or packages which are received in unsound condition clearly cannot be delivered in a sound condition. It is essential, therefore, that a careful watch be maintained at all times when loading for any packages which may have been tampered with or which are improperly or inadequately protected, broken, leaky, damaged, repaired, spilled, torn or stained.

Packages that are torn, badly broken, leaking or tampered with should be rejected. If, after satisfactory reconditioning, it is decided to accept the shipment, the Mate's receipt must be suitably endorsed - a clean receipt should not be given unless the condition of the package is in all respects identical with its fellow with which exception has not been taken.

Care should be taken to see that any packages for which receipts have been issued and which, for some sound reason may have been sent on shore for reconditioning, are delivered back to the ship.

Mate's receipts

When the Chief Officer signs the receipt for goods he is personally liable for any deficiency in the number proved to exist on discharge of the goods, i.e. between shipment and out-turn. It is the duty of the First Mate to receive and discharge cargoes. It is upon his responsibility, and the act which he performs in signing the receipt that the Master signs the Bill of Lading, thereby rendering his owners responsible to the consignees. This is undoubtedly a duty of the utmost importance.

They should be carefully drawn up, marks and numbers copied from the tally books, not from boat or charter's notes, all quantities shown in words and not in figures and particulars of rejected packages shown thereon.

Mate's Receipts should be issued on ship's forms and numbered. Receipt books should be in triplicate forms, one copy for boat man, one for the agents, and one left in the book. If receiving from lighters or boats, receipts should not be issued until after same - including peaks - have been searched. Disputes should be investigated immediately while a recount may still be possible. When this is not done, and another means of arriving at a satisfactory solution is not available, the number in dispute should clearly be stated in words on the receipt - the number on which there is agreement being separately shown thus:

"Received on board 17 packages: three more in dispute"

and not as sometimes done thus:

"Received 20 packages, three in dispute".

Simple clear expression should always be preferred to complicated elaborate phrases.

The legendary story of a breakdown in communications resulted in the classic endorsement: "Received for on deck carriage, six elephants, one in dispute. If on board to be delivered"!

When the charter party calls for Mate's receipts to be granted for cargo alongside and not actually on board, they should be endorsed "at

shipper's risk until actually shipped". When in doubt as to weight, quantity and condition, Mate's receipts as well as the bills of lading should be caused "weight, quality, quantity and condition unknown".

Bills of Lading

A bill of lading, which is a negotiable document, and in most cases quickly passes out of the hands of shipper, is prima facie evidence of shipment against the ship both as to condition as well as quantity. It follows, therefore, that a letter of indemnity against any clauses in the bill of lading affords no protection whatever to the ship against claims by the consignees, in as much as letters of guarantee or indemnity have no legal force against a third party.

There should be no hesitation in endorsing Mate's receipts and bills of lading with such clauses as are left to be necessary and justified by the facts of the case, in order to protect the ship from claims for shortage of damage to, or deterioration of, the cargo.

Bills of lading may, under certain circumstances, be issued prior to the cargo arriving on board the vessel. This is particularly so in the case of ISO freight containers - where the shutting and sealing of the container doors after the cargo is stuffed may be sufficient to allow a bill of lading to be issued. Thus it is important that all stuffed containers loaded on board have seals and locks in position and intact.

QUESTIONS

1. Why should a careful watch be kept when loading?
2. What are the most frequent damages to packages?
3. When should a clean receipt not be given?
4. What should be done with the packages given ashore for reconditioning?
5. What is a Mate's Receipt?
6. What is the basic duty of the First Mate in respect of receiving cargo?
7. How and on what basis are M/R's signed?
8. When should disputes be investigated?
9. How should the number in dispute be stated?
10. What is the "legendary story" about?
11. When are M/R's endorsed "at shipper's risk until actually shipped"?
12. What is the purpose of the Bill of Lading?
13. Why is the letter of indemnity not recommended?
14. What is the purpose of endorsing M/R's and B/L's?
15. In which case is the B/L issued before the goods are actually shipped on board? Give an example.

EXERCISES

I COMPREHENSION AND VOCABULARY

1. Say which of the following statements are true or false:

1. Torn packages or badly broken ones are normally received on board with no endorsement.
2. Packages that have been reconditioned require no examination again.
3. The Chief Officer is responsible for any deficiency in the number on the discharge of the goods.
4. Mate's receipts are made on the basis of tally sheets.
5. The B/L is issued on the basis of Mate's receipts.
6. Receipts are normally issued on the boat or charter's notes.
7. Disputes on receipt of cargo can be investigated at a later stage, i.e. on delivery.
8. Number of packages are given in words and are preferred to numbers.
9. A B/L is an evidence that the cargo has been received for shipment or actually loaded on board.
10. Endorsing a B/L or M/R can be made at ease at a later stage of shipment.

2. Supply the words: (*alongside, evidence, exchange, rail, tally, receipt*)

The ship's responsibility regarding cargo commences when it is delivered _____ the vessel ready for loading, or when it crosses the ship's _____, depending on the custom of the port and the terms of the contract of carriage.

A mate's receipt is the primary _____ of acceptance of cargo, particulars of which are entered on it. It is the given by the mate when the cargo is shipped.

The condition and _____ are carefully noted and any clauses intended for insertion in the B/L must be entered on the mate's receipt. The mate's receipt is given up to the master in _____ for the bill of lading.

3. Complete the sentences below:

1. The bill of lading is signed by the master only after ...
2. If repaired packages are accepted again for shipment, they should be ...
3. The duty of the First Mate is ...
4. Copies of the mate's receipt are given to ...
5. A mate's receipt is endorsed “at shipper's risk until actually shipped” in the case when ...
6. All the containers on board must be checked as to ...

4. Write down all the adjectives in the text that refer to a damaged condition of the goods.

II GRAMMAR

1. Supply the suitable form of the verbs in brackets:

Packages received in unsound condition cannot (deliver) in sound condition. Therefore careful watch should (maintain), when loading, for any packages which may have been tampered with, or (break). Cargoes in such condition should (reject). If it is decided to (accept) such packages for transport, the receipt should (endorse) suitably. A clean receipt should (not give) if the condition of the goods is not as specified.

2. Word Forms. Supply a suitable word form from the brackets: (*receive, receiver, receiving, receipt; endorse, endorsement*)

1. The cargo officer issues the _____ for the goods on board.
2. A bill of lading must be suitably _____ with remarks as to the quantity and condition of the goods.
3. The _____ of the mate's _____ must be made immediately on shore or in the ship's hold.
4. On _____ the cargo a _____ is given to the shipper.
5. The goods must be delivered to the _____ or holder of the B/L.

3. Rearrange the following sentences by introducing them with "See that ...", or "You should see that..." : e.g.:

- *The Chief Officer must see that the packages which have, been sent for reconditioning are delivered back to the ship.*

1. All torn or broken packages should be rejected.
2. No leaky drums must be allowed to cross the ship's rail.
3. The receipts for cargo should be written on ship's forms.
4. The condition of the goods must be suitably endorsed in the mate's receipt.
5. Bills of lading have to be correctly dated.

4. Collocations. The verb + object noun collocations can be transformed into a “*noun + of + noun*” collocation, e.g.: “*to receive the goods*” ⇒ “*receipt of the goods*”. Transform the following collocations from the reading text following the example above (see that the right form of the noun is used):

- maintain the watch -
- deliver the package -
- reject the package -
- accept the shipment -
- endorse the Mate's
Receipt -
- issue the receipt -
- sign the receipt -
- investigate the dispute -
- accept the receipt -
- sign the bill of lading -

III TRANSLATION

1. Pobrini se da se sav teret ukrca do 6 sati.
2. Moraš se pobrinuti da se upiše stanje koleta.
3. Morat ćemo se pobrinuti da se teret preda u istom stanju kao što je i primljen.
4. Kada primate teret, morate provjeriti (*ascertain*) njegove karakteristike i koje su mjere potrebne u vezi s njegovim prijevozom.

Naročito valja obratiti pažnju (*note*) na stanje tereta koji se prima na brod. U suprotnom (*otherwise*) smatrat će se (*hold*) da je brod odgovoran za gubitak ili štetu prouzročenu prije nego (*prior to*) što je teret stigao.

Kada se teret preuzima na brod, potvrda ukrcaja (časnička potvrda) izdaje se samo kada se roba već nalazi na brodu. U slučaju spora (*dispute*) u vezi s predajom tereta brodu, tada se u časničku potvrdu upisuje (*endorse*). npr

“primljeno na brod 63 koleta, 6 drugih koleta sporno. Ako su na brodu, valja ih predati primaocu.”

UNIT EIGHT (B)
CARGO PROCEDURES - DELIVERING

Guessing words from the context

Should there be reasonable grounds for anticipating serious _____ to cargo before opening the hatches, protest should be _____. This protest should be noted as soon as possible and not later than 24 hours after _____; the extension can be processed with more leisure should it be _____. The protest can be _____ and should be made without waiting to sight the damaged cargo, continuing the extension of protest as the survey of cargo proceeds.

Reading text 1

While discharging is in progress, it is always a wise precaution to have a surveyor in attendance to act on behalf of the ship. Every reasonable facility should be extended to the surveyors attending on behalf of consignees, but this does not mean that consignees or their representatives have the right of full access to the ship nor to examination of a vessel's log book.

Supply the missing parts of the text:

While discharging is in progress, it is always a wise precaution to have a surveyor in attendance to Every reasonable facility should be extended to the surveyors attending on behalf of consignees, but this does not mean that nor to examination of a vessel's log book.

Where a surveyor is not in regular attendance, a survey should be called at once should damaged cargo be found, especially in the case of damage by moisture or water, or leakage from casks, etc. Dunnage and matting should not be disturbed until they have been sighted and positioned by the surveyors.

Supply the missing terms

Where a _____ is not in regular attendance, a survey should be _____ at once should damaged cargo be found, especially in the case of _____ by moisture or water, or _____ from casks,

etc. _____ and matting should not be _____ until they have been sighted and positioned by the surveyors.

Guessing missing words

When _____ cargo is sighted in the stow, it is a sound practice to make a sketch or take photographic _____ of the position of the cargo in relation to other cargo and their position in the compartment. This can be used as _____ in repudiating the responsibility of the ship for improper _____.

Reading text 3

When damaged cargo is sighted in the stow, it is a sound practice to make a sketch or take photographic evidence of the position of the cargo in relation to other cargo and their position in the compartment. This can be used as evidence in repudiating the responsibility of the ship for improper stowage.

Reading text 3

All packages which are found broken during discharge should be laid aside on board, or if discharging on to the dock, and the damaged cargo locked up (a lock-up should always be provided and carefully recovered, etc.)

Care should be observed to restore into position any parts of cases bearing marks and numbers that may get displaced. Where this is not possible every effort should be made to ascertain the correct marks and numbers which should be clearly painted on the packages to avoid the confusion which might arise in the absence of means of identification.

Supply the missing words

All packages which are found broken during discharge should be _____ on board, or if discharging on to the _____, and the damaged cargo locked up (a _____ should always be provided and carefully recovered, etc.)

Care should be observed to _____ into position any parts of cases bearing marks and _____ that may get displaced. Where this is not possible every effort should be made to _____ the correct marks and numbers which should be clearly painted on the packages to

avoid the confusion which might arise in the absence of means of identification.

Reading text 4

All torn, slack or empty bags or packages should be carefully collected whilst discharging is in progress, delivered (against tally) along with the cargo, otherwise claim for short delivery is likely to follow. It should always be borne in mind that bills of lading call for a number of bags, and it is the number of bags alone that count so far as the consignee is concerned.

Packages which appear to have been damaged or broached, for which a clean receipt is not forthcoming, should not be permitted to go beyond the custody of Ships' Officers until after their contents have been accurately ascertained (in conjunction with consignee or customs representative) either by counting, weighing or taking the ullage.

Supply the missing words

All torn, _____ or empty bags or packages should be carefully collected whilst discharging is in progress, delivered (against _____) along with the cargo, otherwise claim for short _____ is likely to follow. It should always be borne in mind that bills of lading _____ for a number of bags, and it is the number of bags alone that _____ so far as the consignee is concerned.

Packages which appear to have been damaged or _____, for which a _____ receipt is not forthcoming, should not be permitted to go beyond the _____ of Ships' Officers until after their contents have been accurately _____ (in conjunction with _____ or customs representative) either by counting, weighing or _____ the ullage.

Reading text 5

On the other hand, a package which is intact and otherwise in sound external condition, should not be so dealt with; and a clean receipt for same should be insisted upon.

Cargo should never be delivered except on production of the original bill of lading properly stamped and endorsed, and should be exchanged for the Master's own signed copy. When the cargo is consigned to order, the bill of lading should bear the shipper's

endorsement, and also that of the merchant to whom it has been transferred.

Cargo should never be delivered against invoices, letters or promises to produce the bill of lading later; slackness in this direction may be very costly indeed to the ship owners.

Supply the missing part of the text

..... , a package which is intact and otherwise in sound external condition, should not; and a clean receipt for same should be insisted upon.

Cargo should never be delivered except on production of the original bill of lading , and should be exchanged for the Master's own signed copy. When, the bill of lading should bear the shipper's endorsement, and also that of the merchant to whom

Cargo should never be delivered against invoices, letters or promises to; slackness in this direction may be very costly indeed

QUESTIONS

1. What should be done if serious damage to cargo is suspected before opening the hatches in the port of discharge?
2. When can the protest be extended?
3. Who must attend to the process of discharging, and on whose behalf?
4. What should be undertaken if a surveyor is not in regular attendance?
5. Why is the photographic evidence important?
6. What is done with the broken packages found during discharge?
7. Why should numbers and marks be carefully maintained?
8. What is done with packages or bags that are torn, slack or empty?
9. When can damaged or broached packages be delivered to the receiver, i.e. what should be done before that?
10. What must the consignee produce in order to take delivery of the cargo?

I COMPREHENSION AND VOCABULARY

1. Say which of the following statements are true or false:

1. A protest is noted within 24 hours of arrival.
2. A protest should be extended immediately after survey.
3. The surveyor has a right of access to the log book.
4. Dunnage should not be disturbed before the surveyor sights it.
5. A photograph cannot be used as evidence in repudiating responsibility for improper stowage.
6. Displaced marks and numbers need not be restored into their previous position.
7. The bills of lading call for a number of bags shipped.
8. Packages bearing a claused receipt can be delivered to the consignee without counting or weighing.

2. Fill in the appropriate word or phrase from the brackets (FREIGHT, CONSIGNEE, DELIVER, DELIVERY ORDER, BILL OF LADING, DELIVERY)

In the liner trade it is usual for the _____ to present his B/L to the Carrier and receive in exchange a _____. This is the consignee's authority to take _____ of the goods from the ship or wharf or warehouse.

If a _____ is presented to the Master, he should see that it is properly endorsed and that _____ and other charges have been paid or secured. He can then _____ the goods in exchange for a proper receipt.

II GRAMMAR

1. Complete the sentences below supplying the article (definite or indefinite) or omitting it as required:

It is usually _____ custom to note _____ protest upon arrival at _____ discharging port. If there are _____ grounds for anticipating _____ serious damage to _____ cargo, _____ protest should be extended at once. All broken packages should be attended to by repairing, and _____ marks and _____ numbers on _____ same should be preserved.

2. Condition. Conditional sentences are normally introduced by IF. The following are also examples of clauses expressing condition:

- *Should there be reasonable grounds for anticipating serious damage to the cargo, protest should be noted.*
- *The protest can be extended with more leisure, should it be necessary.*
- *Unless otherwise agreed the unloading of the cargo can be arranged by the Carrier's Agent.*

The sentences can be transformed as follows: *If there are reasonable grounds ..."; "... if it is necessary."; "if it is NOT agreed otherwise, ..."*

Transform the following sentences accordingly :

1. Unless notice of damage is given in writing to the carrier, the goods will be delivered in a sound condition.
2. Should slings be used with bags and light cases, a great damage may result.
3. Should there be any doubt as to the risk of collision, the collision shall be deemed to exist.
4. Unless these conditions are fulfilled, the vessel cannot enter the port.
5. Should the ship be delayed by causes beyond the control of the Merchant, 24 hours shall be deducted from the time on demurrage.
6. Unless one is familiar with the local conditions, the approach should be made in daylight.

3. Fill in the missing prepositions:

Re: Damage ship and cargo during discharge

Dear Sirs,

I regret _____ inform you that owing incompetent handling _____ the winch, your winchman while discharging the cargo _____ cement _____ Hold No.2 11.00 hours today, crushed part _____ my deck superstructure and damaged the forward port rail _____ way _____ Hold No. 2 _____ a length _____ about four metres. _____ the same time many bags _____ cement were torn, the contents there being spilled _____ the hold.

_____ view _____ the above. I have _____ hold your firm responsible _____ the damage caused and ask you _____ urgent repairs _____ the said damages.

Yours faithfully,
XY, Master of MV
"STAR"

III TRANSLATION

Ako primalac zatraži (claim) isporuku robe, a ne može predočiti (produce) teretnicu, zapovjednik mu može isporučiti robu uz garanciju (letter of indemnity) neke banke. Kada se teret iskrcava treba obavezno zatražiti prisutnost (attendance) nadzornika (kontrolne kuće). Nadzornici mogu djelovati (act) u ime broda i u ime primaoca robe.

Kontrolu treba zatražiti (call) naročito u slučaju štete (in case of) uslijed curenja, vlage, te kada su vreće poderane, prazne ili poluprazne.