



Ship Type: All

Trade Area: Algeria

Bulletin 75 - 12/98 - Shortage/Damage Claims - Algeria

We have been advised by our correspondents in Algiers of some alterations to the Algerian Maritime Code. These alterations may help reduce the onerous liabilities placed on Members in respect of delivery of cargo.

The courts in Algeria have always found it difficult to decide when delivery of cargo actually takes place. Normally they define it as when the receiver collects/removes the goods from the port of discharge, even if this is months after the cargo has been discharged from the ship. Such a definition obviously leaves the shipowner open to a variety of claims for shortage/damage to the cargo at a time when it is not under his control.

Article 739 of the new maritime code states :-

"The contract of carriage commences as soon as the goods are taken over by the carrier and ends when the goods are delivered to the consignee or his legal representative.

*The delivery is the legal act by virtue of which the carrier undertakes to deliver the goods to the consignee or his legal representative who expresses his acceptance, **unless otherwise stipulated in the bill of lading.**"*

The phrase "unless otherwise stipulated in the bill of lading" is believed to give the carrier, when on charter, the possibility to define "delivery" in the bill of lading.

The Club's correspondent in Algiers - contact details below - is recommending that words to the effect "Cargo is delivered when it is taken over from the ship's hold by the receiver's appointed stevedores" be stamped on the front of the bill in cases where cargo is shipped FIO. It is hoped that this stipulation may assist Members in ensuring that responsibility falls on the correct parties if damage occurs after discharge.

It remains to be seen whether shippers or receivers will accept this endorsement, any information from owners therefore would be gratefully received.

For further information contact :-

Mr M Boukerb
AMCS Algeria P & I Services
Tel + 213 2 554972
Fax +213 2 554973

Copies of the new amended code (in French) can be obtained from the Club if required and will be available shortly on the Miller Encyclopaedia. Please contact K. S. Lumbers or Area Director - N. Menear.

Source of information :- Mr M Boukerb Through: N Menear (L4)
AMCS Algeria P & I Services
Tel + 213 2 554972
Fax +213 2 554973