

RELEASE OF LADEN CONTAINERS

Being unaware of a port or terminal's release procedure for a laden container can have serious consequences. Signum discovered this when enquiring into recent complaints involving laden containers, where it was said that they had been incorrectly released.

One such incident occurred at a Government operated inland container terminal. Two agents claimed that the terminal had incorrectly released a container without being in possession of an original delivery order. It was maintained that the terminal's container release procedure was a Government regulation requiring the terminal to be in possession of a Customs Clearance Form with an original validated delivery order issued by the carrier or their agent.

If a delivery order was not validated, the terminal was required to release the original order or a copy of it so that the carrier or their agent could revalidate it.

To secure an original delivery order required the interested party to surrender the following to the carrier or their agent at the discharge port:

- a)** The original master bill of lading,
- b)** A bank guarantee in lieu of the original bill of lading.

The alternative was to surrender the original master bill of lading to the carrier or their agent at the load port, who then authorised their agent at the discharge port to release the container.

In this particular incident, the carrier's agent received from the principal at the load port details of the consignee and authority for the laden container to be released.

The consignee's agent presented a copy of the original bill of lading to the carrier's agent and received the original delivery order. They retained this document pending the surrender of the original bill of lading, which they never received.

It was subsequently discovered that the consignee had produced a copy of the original delivery order to the carrier's agent in order for it to be revalidated. Believing that the consignee's agent had released the original delivery order, the copy was revalidated.

This document, along with the customs clearance form, was presented to the terminal, who although not in possession of the original delivery order, allowed the container to be released.

Enquiries at the terminal showed that the agents were mistaken as to the release procedure, which transpired not be an official regulatory policy, but merely an effective working practice that had been in place for a number of years.

Accordingly, the terminal was allowed to accept a validated copy of the original delivery order without being in possession of the actual original.

Under these terms, it appears that the cargo was released in accordance with their normal practice and procedure; however, no one could explain how the consignee came to possess the copy.

This and the other incident highlight the importance in preserving the safety of original documents and fully understanding the release procedures at a port or terminal.

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