

## CML Seminar Series: Straight bills of lading

2 August 2022

Maxwell Chambers



From left: Dr Michiel Spanjaart and Prof Stephen Girvin

The Centre for Maritime Law, Faculty of Law, National University of Singapore, hosted the latest edition in the CML Seminar Series on 2 August 2022 at Maxwell Chambers. This seminar, titled “Straight bills of lading”, was delivered by Dr Michiel Spanjaart, Visiting Senior Research Fellow, at CML.

Dr Spanjaart discussed the differences between straight bills of lading and negotiable bills of lading such as order bills and bearer bills. The crucial difference was that straight bills could only be transferred once, and were not documents of title at common law. Dr Spanjaart then outlined the historical development of bills of lading and raised evidence in records of 17th century legal advice, as well as the decisions of *The Mary Martyn* (1539) and *Renteria v Ruding* (1830), showing that straight bills were in fact transferable and operated as symbols of the goods all the way through to the 19th century.

Dr Spanjaart also examined the important differences between straight bills of lading and sea waybills, and illustrated the problems created by the statutory treatment of straight bills as sea waybills in the Carriage of Goods by Sea Act 1924 (substantially the same as Singapore’s Bills of Lading Act 1992). He analysed this treatment as being attributable to the UK Law Commission’s problematic starting point that only documents of title at common law were transferable. He explained the treatment of straight bills in *The Rafaela S*, where the House of Lords interpreted provisions of the Hague-Visby Rules in a purposeful and commercially sensible manner. He proposed that this same approach should be applied to the Carriage of Goods by Sea Act 1924 and that straight bills should be treated the same as negotiable bills under the Act because the lawful holders of both types of bills deserved the same measure of protection.

Finally, Dr Spanjaart discussed the position stated by the Privy Council in *Kum v Wah Tat Bank* that straight bills of lading do not operate as a symbol of the goods at common law. He noted that there are more features to a document of title beyond what is recognised at common law, citing the implicit recognition of straight bills as documents of title under the Hague-Visby Rules, and the applicability of the presentation rule to straight bills.

The seminar ended with lively discussion as Dr Spanjaart fielded numerous questions from legal practitioners, academics and participants from the industry.



# CML SEMINAR SERIES

## STRAIGHT BILLS OF LADING

2 AUG 2022 | 4.30PM TO 6.00PM

MAXWELL CHAMBERS

