

## CML Seminar Series

### Bills of Lading and Ship's Delivery Orders

18 September 2024

The Executive Centre, Level 37, Ocean Financial Centre



CML was pleased to have Dr Michiel Spanjaart, Partner & Founder of Trains & Co, give a seminar on the topic of Bills of Lading and Ship's Delivery Orders on 18 September 2024. Dr Spanjaart specializes in transport, insurance, and commercial law. He is also an Academic Fellow of CML. Various maritime law practitioners attended this CML seminar, which was held in downtown Singapore.

Dr Spanjaart began by talking about the notable 'PIN code' case of *Glencore International AG v MSC Mediterranean Shipping Co SA (The Eugenia)* where the bill of lading in that case provided that it could be exchanged 'for the goods or a delivery order'. Dr Spanjaart explained that this 'delivery order' was not a ship's delivery order. Instead, it was a *laat volgen*, which was commonly used in Amsterdam, Rotterdam, and Antwerp. He explained that a *laat volgen* was not a document of title. Thereafter, Dr Spanjaart examined the purpose and legal effect of a ship's delivery order by discussing case law and statutory reforms under English law. He suggested that the Bills of Lading Act 1855 did not regulate ship's delivery orders perhaps because there were none in use at that time. He then contrasted the rights of suit of ship's delivery orders under the Carriage of Goods by Sea Act 1992 against those of bills of lading. Finally, Dr Spanjaart examined whether a ship's delivery order was a 'similar document of title' under article I(b) of the Hague-Visby Rules. He noted that a ship's delivery order can be made to order and indorsed in blank. Although it was not a document of title at common law, it could still be a document of title akin to a straight bill of lading, citing *MacWilliam (JI) Co Inc v Mediterranean Shipping Co SA (The Rafaela S)*.

The seminar concluded with a question-and-answer session where participants asked about, among other things, straight bills of lading in the United States of America and the meaning of 'document of title' under the Hague Rules.

