

Recovery of Damages by General Cargo Interest under Bill of Lading Carriage Contract

Authors : Eunice Chiamaka Allen-Ngbale

Abstract : Cargo claims are brought by cargo interests against carriers when the goods are not delivered or delivered short or mis-delivered or delivered damaged. The objective of the cargo claimant is to seek recovery for the loss suffered through the award of damages against the carrier by a court of competent jurisdiction. Moreover, whether the vessel on which the goods were carried is or is not under charter, the bill of lading plays a central role in the cargo claim. Since the bill of lading is an important international transport document, this paper examines, by chronicling the progress of a cargo claim as governed by the English law of contract. It finds that other than by contract, there are other modes of recovery available to a consignee or endorsee of a bill of lading to obtain a remedy under the sui generis contract of carriage contained in or evidenced by a bill of lading.

Keywords : bill of lading, cargo interests, carriage contract, transfer of right of suit

Conference Title : ICIL 2021 : International Conference on Comparative and International Law

Conference Location : Paris, France

Conference Dates : August 26-27, 2021