

# SHIPPING, CHARTERING ,CARGO, PORT RELATED DISPUTES AND CLAIMS

## ‘ROLE OF MARITIME EVIDENCE IN DISPUTES AND CLAIMS’

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# INTRODUCTION

- LATIN WORD 'EVIDERE'- THE MEANING
- PURPOSE
- CLASSIFICATION
- WEIGHTAGE OF VARIOUS TYPES
- CLAIMS AND DISPUTES

# MARITIME EVIDENCE AND SHORE EVIDENCE

- WHY IS IT DIFFERENT
- BACKGROUND- EVOLUTION OF SHIPPING INDUSTRY TO MODERN TIMES
- PRESENT SCENARIO - ISM, ISPS, AIS, VDR, ECDIS, MLC 2006, CCTV, SOCIAL MEDIA
- CHALLENGES TO OVERCOME
- NEED TO MAINTAIN ACCURATE RECORDS

# ROLE OF MARITIME EVIDENCE

- PEOPLE : INJURY/ ILLNESS/ FATALITIES/  
STOWAWAYS/ PEOPLE IN DISTRESS
- CARGO : SEAWORTHINESS/ CARGO  
RESPONSIBILITY/ DRY ,LIQUID,  
CONTAINERS/ CP/ BL
- SHIP RELATED :● POLLUTION  
● COLLISION  
● DAMAGE TO PROPERTY  
● NON CONTACT DAMAGE  
● GROUNDING/STRANDING/SINKING  
● SALVAGE AND GENRAL AVERAGE
- HULL AND MACHINERY INCIDENTS - FIRE  
- EQUIPMENT
- DEPLOYMENT - LOSS OF HIRE/DELAYS

# EVIDENCE FOR COMMERCIAL DISPUTES

- NEW BUILDING WARRANTY
- PORT DELAYS
- PERFORMANCE
- AVAILABILITY/ ACCESSIBILITY FOR CARGO  
REACHING BERTH
- SAFE PORT / SAFE BERTH
- BUNKERS QUANTITY/ QUALITY/ SAMPLING/  
STORAGE

# BEYOND THE MASTER AND MARINER- THE SHORE PERSPECTIVE

- MASTERS RESPONSIBILITY
- SURVEYORS
- LAWYER
- FLAG STATE ADMINISTRATION
- MARINE CLAIM BROKER - H&M

- P&I

# CASE STUDIES

- TOW CON- EVIDENCE PRODUCED/ EXPERT WITNESS
- 'SHIPMAN' - REDELIVERY OF VESSEL- IMPROPER DISCLOSURE
- SILVER SMUGGLING CONVICTION
  - NAVIGATIONAL EVIDENCE AND EXPERT WITNESS
- TRADE MALPRACTICE- FRAUD - EVIDENCE AS COURT COMMISSIONER
- DEATH OF PILOT- MARITIME EVIDENCE EFFECTIVE TOOL IN CLAIMING COMPENSATION
- FLAG STATE – SINKING OF VESSEL AND CREW WITH FRAUDULENT COC'S
- GRAIN CARGO INFESTATION – MATES RECEIPT AND BILLS OF LADING

# THE WAY AHEAD

- ENSURE QUALITY SHIPBOARD EVIDENCE PRODUCED
- PRESERVATION OF EVIDENCE
- WITNESS STATEMENTS
- EXPERT REPORTS
- ANALYSING ELECTRONIC DATA
- SHORE SIDE SYSTEM AND RECORDS

WHY AND WHAT FOR ??

A+ve OUTCOME IN ADR/LITIGATION

**‘FOR IT IS THE FRUIT OF REWARD THAT  
SWEETENS LABOUR’**

**THANK YOU**