

General Average Seminar

Understanding the fundamentals of general average

Monday 26 – Tuesday 27 October 2015
Dexter House, London

- Find out which events give rise to general average
- Receive an update on the York-Antwerp 2016 Rules
- Learn how to manage distressed cargo and declare general average
- Understand the cargo and shipowner's interests
- Learn about different forms of security required
- Discuss the difficulties mega containerhips may present in general average cases



2 detailed general average case studies on the Maersk Neuchatel and Longchamp



Work through a practical exercise on general average adjustment and settlement

Speakers include:



Richard Cornah
Chairman
Richards Hogg Lindley



Per-Åge Nygård
Head of Legal
Norwegian Hull Club



Gianluca Rolff
Master Mariner
TMC Marine



Richard Sarll
Barrister
7 King's Bench Walk



Michael Harvey
Director
Harvey Ashby Limited, Average Adjusters
and a Fellow of the
Association of Average Adjusters



Keith Sturges
Director
Richards Hogg Lindley

General Average Seminar

Understanding the fundamentals of general average

DAY ONE Monday 26 October 2015

08.30 Registration and breakfast

09.00 **Chair's welcome and Objective Generation Board**
Introduce yourself to the rest of the group and share your objectives for the course. The Chair will refer back to these during the two day programme.

Richard Cornah, Chairman, **RICHARDS HOGG LINDLEY**

Principles of general average: what is it and when it is applicable

09.20 **Introduction to general average**

- Overview of the principles applicable to general average
- Incidents and events which give rise to general average
- Breakdown of the general average process

Richard Cornah, Chairman, **RICHARDS HOGG LINDLEY**

Revision update to the York-Antwerp Rules

10.00 **An overview of the York-Antwerp 1994 and 2004 Rules**

- History of the York-Antwerp Rules
- Brief breakdown of the 1994 Rules
- Key exclusions in the 2004 Rules
- Impact of hull underwriters and cargo interests on revisions to the Rules

Michael Harvey, Director, **HARVEY ASHBY LIMITED, AVERAGE ADJUSTERS** and a Fellow of the **ASSOCIATION OF AVERAGE ADJUSTERS**

10.45 Networking coffee break

11.15 **NEWS UPDATE**

Update on the revisions to the York-Antwerp Rules

- What will the 2016 Rules entail?
- Feedback from the CMI International Working Group

Michael Harvey, Director, **HARVEY ASHBY LIMITED, AVERAGE ADJUSTERS** and a Fellow of the **ASSOCIATION OF AVERAGE ADJUSTERS**

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12.00 **H&M PERSPECTIVE**

General average and the impact of York-Antwerp Rules 2016 revisions

- Should general average be applied to more cases?
- Exploring the use of general average in the industry
- Impact of the YAR 2016 revisions on the Nordic market

Per-Åge Nygård, Head of Legal, **NORWEGIAN HULL CLUB**

12.45 Lunch

Examining the processes and declaration of general average

13.45 **Procedures to be followed when an incident occurs**

- Which persons should be notified?
- Which reports need to be made and collected?
- What should the incident plan look like?
- Owner's / P&I point of view
- The role of the P&I Surveyor and General Average Surveyor

Robert Tomlinson, Adjusting Manager, **RICHARDS HOGG LINDLEY**

14.30 **General average declaration on distressed cargo – managing distressed cargos**

- Dealing with distressed cargo
- Pre-planning
- Shipboard operations
- Shore operations
- Problems
- Experiences as General Average Surveyor (case example)
- Timeline of a containership casualty

Gianluca Rolff, Master Mariner, **TMC MARINE**

15.10 **Obtaining security and forms of security required**

- Bank guarantees and cash deposits
- Underwriters lodging security
- Dealing with uninsured containerised cargoes

Richard Cornah, Chairman, **RICHARDS HOGG LINDLEY**



Equipment requirement:

Bring your laptop. Benefit from using your laptop, enabling you to get the most out of the practical sessions.

15.45 Networking coffee break

16.15 **Adjustment of general average – theory**

- General average clauses in bills of lading and charterparties
- Examining terms of the relevant contract of affreightment evidenced in the bill of lading or charterparty

General average challenges of the future: mega containerships

17.00 **ROUNDTABLE DISCUSSION**

General average and the mega containerships challenge

- How will the industry cope with general average for a mega containership?
- Issues with collecting securities from so many interests
- Timescale and cost factors and examining the arbitration route
- Impact of LOF on general average adjustment
- Is general average an outdated system for today's mega containerships?

Discussion led by:

Ben Browne, Partner, **THOMAS COOPER**

17.30 Chair's concluding remarks

DAY TWO Tuesday 27 October 2015

09.00 Networking coffee break

09.15 **Chair's opening remarks**

Keith Sturges, Director, **RICHARDS HOGG LINDLEY**

General average case study corner

9.20 **CASE STUDIES**

Reviewing recent general average cases

- Recent court cases including the Maersk Neuchatel and Longchamp
- Issues involved in claiming and defending general average claims in court
- Examining the arbitration process
- Claiming under bonds
- Cover under the arbitration clause in the charterparty
- Which set of rules apply
- Unseaworthiness defences

Richard Sarll, Barrister, **7KBW**

10.20 Networking coffee break

Understanding cargo and shipowner interests

10.50 **General average - cargo's perspective**

- Concepts explained
- Insurance coverage
- Examining current practical issues
- Cargo's response to general average claims
- Breaches of contract of carriage
- Cargo's reasons for wanting changes in the Rules

Keith Sturges, Director, **RICHARDS HOGG LINDLEY**

11.30 **General average and the new Rules - shipowner's viewpoint**

- Responsibility of the shipowner
- Duty of shipowner to protect cargo sacrificed
- Impact of the new Rules on the shipowner

12.15 Lunch

Overcoming the complexities of calculating general average

13.15 **PRACTICAL WORKSHOP**

Practical example of adjustment and settlement

- Which documents are required?
- Evidence – looking at the shipowner and cargo interests
- Settlement procedure under adjustment

Keith Sturges, Director, **RICHARDS HOGG LINDLEY**

Coffee will be served at a suitable interval

16.00 Chair's concluding remarks

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Monday 26 – Tuesday 27 October 2015

Venue: Dexter House, London

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Overcome the complexities of calculating general average

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Nearest underground: Tower Hill

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