

Welcome to this Edition of TT Talk, number 18 in the series

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1. Cargo Thefts in the USA

The Miami Herald for Monday January 7 2002 carried an interesting article on the rising trend of cargo theft and the measures now being taken to counter it. The article reported that the US Federal Bureau of Investigation estimates that cargo to the value of between US\$8-12 billion is stolen each year, with South Florida, New York-New Jersey and Southern California being the areas worst hit. The article reported that on one Sunday in October 2001, US\$375,000 worth of cash, clothing, computer and electronic equipment was stolen from five separate business premises in the Airport West area of Miami-Dade county. Most warehouse break-ins, said the article, are committed by small-time burglars taking advantage of perceived opportunities with the smaller freight forwarders who cannot afford the latest security. But the situation is improving, thanks to the formation six years ago of the Tactical Operation Multi-agency Cargo Anti-theft Squad - or 'TOMCATS'. In July 2001, a new Florida-wide cargo-theft law was introduced, enabling the police for the first time to set up a database to track cargo-related burglaries. What's more, Miami-Dade police are currently recovering about one-third of the cargo reported stolen.

2. Who is Reading your Website?

Have you ever thought how useful the information on your website could be to a competitor or to a litigant? The October 2001 issue of the UK P&I Club publication - Loss Prevention News - contains an article alerting members to the trend that is developing - particularly among plaintiff lawyers in the United States - to trawl through websites for information that can be used subsequently in litigation. The article concludes "Website information for friends, customers, potential customers and the industry has an obvious value for all members. However, given the perceived trend towards an unfriendly use of website information, risk management or legal review is recommended". Information given on the site must be accurate (and not over-stated!) and it is probably best not to give detailed information on the way in which the company is organised and its responsibilities allocated amongst its management and staff. Read the article in full at

<http://www.ukpandi.com/lp0110/lpn14.html> - h

3. Lessons for Container Depot Operators from Typhoon Nari (September 2001) in Taiwan

In September 2001, Typhoon Nari swept violently through the island of Taiwan and caused extensive damage in the capital city of Taipei, where hundreds of houses were submerged and MRT subway stations flooded. Hundreds of containers from depots built on the banks of the Keelung River were swept into the river and sank into the river bed. Others were swept into the open sea by the force of the water; many others became jammed under bridges, obstructing the water flow and exacerbating the flooding. Seven container depots were submerged, up to a level of 2.5-3 metres. Mr Chik, of the TT Club's Regional Office in Hong Kong, has prepared an excellent report on the damage done by the typhoon and the steps that container depot operators could take to lessen or avoid typhoon damage in the future. For the full report, please go to

[http://www.ttclub.com/ttclub.nsf/Files/AMIR-575EPA/\\$FILE/TyphoonNari.pdf?OpenElement](http://www.ttclub.com/ttclub.nsf/Files/AMIR-575EPA/$FILE/TyphoonNari.pdf?OpenElement)

4, Make your Standard Trading Conditions part of the Deal!

You may have the best Standard Trading Conditions in the world, but they are a waste of paper if you do not make them a part of every business deal you do. The recent case of Seapower Resources Cold Storage & Warehousing v. Assure Company, decided by the Hong Kong High Court in December 2001, clearly illustrates the principle. In late July/early August 2001, Seapower arranged with Assure - a new client - to store a consignment of garlic in their warehouse at Kwai Chung. The negotiations covered such items as price and delivery times, but no mention was made by Seapower of their Standard Trading Conditions. The garlic was delivered to the terminal on August 2 and 3. As each driver arrived, the terminal handed him a receipt for the load. These receipts stated that they were subject to the terms of Seapower's godown warrant. The garlic was stored at the incorrect temperature and was damaged in consequence. In the litigation that followed, Seapower tried to rely on the terms of the godown warrant to limit its liability. The court held that it could not. The terms of the godown warrant were not part of the contract with Assure. They had not been brought to the attention of, let alone accepted by, Assure at the time the deal was done. By the time the receipts referring to the warrant were handed to the drivers, it was too late. For a fuller note on the case, see under Shipping & Transport/Carriage of Goods on the Editor's website - DMC's CaseNotes at

<http://www.onlinedmc.co.uk/>

5. Conclusion

We hope that you will have found the above items interesting. If you would like to have further information on any topic, or have any comments you would like to make, then e-mail the Editor at tt.talk@ttclub.com. We look forward to hearing from you.

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