

## **MARINE CARGOES CLAIMS PROCEDURE**

When cargoes are found damaged at the time you or your transport agents take delivery at the port area or airline terminal, immediately notify **Forte Insurance (Cambodia) Plc.**, telephone **(855) 023 885 077/023 885 066** to arrange for survey prior to collection.

You should also adhere to the following procedures to ensure proper handling of claims against the responsible shipping companies.

1. You must inspect all incoming shipments upon receipt from the delivering carrier and make the necessary notation as to the condition of the goods on delivering carriers Freight Bill and/or Bill of lading.
  - a) Notation on Freight Bills must include at least the following:
    - i) the number of cases short or damage
    - ii) kind of damage (wet, crushed, torn, breakage, etc)
  - b) If a house to house container is involved, the following must also be noted on the freight Bill:
    - i) container number
    - ii) seal number
    - iii) kind of damage to container such as popped rivets, dents, holes, corrosion, bad door seals, etc. If trailer or container cannot be unloaded and driver is unable to wait for discharge make the following notations on the Freight Bill: "received subject to warehouse examination".
2. Call Shipping Company, Air Carriers and/or Delivery Carriers and advise them of the damage and invite them to inspect.
3. Send letter of intent to file claim immediately to the Shipping Company, Air Carriers and Delivery Carriers filling in each blank shown on the attached letter, This letter must be mailed within 24 hours of delivery.
4. Send the following documents to us claim consideration and processing.
  - a) Original Bills of Lading or Airway Bill (ocean, air, inland as supply shipment).
  - b) Signed shipper's invoice.
  - c) Original/duplicate insurance policy/certificate.
  - d) Original survey report and survey fee bill.
  - e) Carrier's joint survey report.
  - f) Port Authority's endorsement form or gate pass.
  - g) Carrier's tally sheer (where short-delivery is involved).
  - h) Copy of claim letter of Carrier's Agents and Port Authority and their original replies.
  - i) Claim Bill (in triplicate) made out to us.

## **CLAIMS AGAINST AIR CARRIERS**

It is important that claims be filed promptly against air carriers. The suggested form letter, copy enclosed, should be used for their purpose.

Regarding the time for filing claims with the air carrier, the following are the requirement of the Warsaw Conventions:

In case of damage the person entitled to delivery must complain to the carrier forthwith after the discovery of the damage and at the latest within 7 days from the date of receipt.

In case of delay the complaint must be made latest within 14 days from the date on which the <sup>s</sup> goods have been placed at his (consignee's) disposal.

Failure to comply with the above requirements is an absolute bar to a recovery.

Claims for goods that are non-delivered must be made in accordance with the terms of the Airway Bill which usually provides that claims must be made in writing within 120 days from the date of issue of the Airway Bill.

## **GENERAL AVERAGE**

York-Antwerp Rules 1950 defines General Average viz:

“ There is general average act when and only when any extraordinary sacrifices or expenditure is intentionally and reasonably made or incurred for the common safety for purpose of preserving from peril the property involved in a common maritime adventure”

As with normal custom and practice, you, as consignees will be notified by the Carrier's Agent as and when the General Average is declared. Once this is known, you should be in constant touch with the Carrier's Agent in order to have the following information.

1. Nature of the Casualty
2. Name of Average Adjuster

As soon as the above information is available, please let us know immediately so that we may arrange to issue the usual Guarantee Form in order to enable you to take delivery of the cargo. You would also be required to complete a counter guarantee form for our records.

To take delivery of the cargo, you would have to surrender the following document to the Carrier's Agent.

1. Insurance Company's Guarantee Form.
2. Acetified copy of the original shipper's invoice
3. Lloyd's Average Bond and Valuation Form which should be signed by you.

## **IMPORTANT NOTICE**

It is important for you or your agent to protect and preserve Insurance Company's subrogation rights against Carriers or other Bailees. However, in view of the time-bar factor which are:

1. 9 months for full container load shipment
2. 12 months for other ocean-going vessel shipment
3. 24 months for air cargo shipment

from date of vessel's/aircraft's arrival at Port of Destination or Air Terminal, it is imperative that you or your agent act promptly in adhering to the claim procedures set forth herein. In other words, speed is the essential factor in the handling of marine claim.

## **CONCLUSION**

We believe that we have covered most of the essential points in the claims handling procedure. However, should you need further clarification on any of them, please feel free to contact us.

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## LETTER OF CLAIM

\_\_\_\_\_  
(Name of delivering carrier)

\_\_\_\_\_  
(Address)

RE: Name of Vessel

Bill of Lading number \_\_\_\_\_ Dated \_\_\_\_\_ Voyage \_\_\_\_\_

Airway Bill number \_\_\_\_\_ Dated \_\_\_\_\_

Date of Arrival \_\_\_\_\_

Description of shipment \_\_\_\_\_

We hold you responsible for the following:

1. Non-delivery
  2. Pilferage
  3. Damage
  4. Contamination
- (Circle Applicable One)

That has occurred to our captioned shipment and or shipments.

When the extent of the loss has been determined, we will present you with a detailed claim.

If you wish to inspect the shipment, please contact:

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Address)

\_\_\_\_\_  
(Telephone number)

Please acknowledge receipt of this letter and provide us with copies of your delivery receipt and survey report.

Yours faithfully,  
Acknowledgement

Carrier's

\_\_\_\_\_  
(Signature and name of consignee)