



LAYTIME AND DEMURRAGE UNDER OIL &
GAS TANKER VOYAGE CHARTERPARTIES:
BEYOND THE BASICS

THE CHESTERFIELD MAYFAIR HOTEL - LONDON

LAYTIME AND DEMURRAGE UNDER OIL AND GAS TANKER VOYAGE CHARTERPARTIES: BEYOND THE BASICS



INTRODUCTION

This two-day course is for analysts who have attended our one-day LAYTIME AND DEMURRAGE UNDER OIL AND GAS TANKER VOYAGE CHARTERPARTIES: THE FUNDAMENTALS OF CALCULATION, NEGOTIATION AND SETTLEMENT OF CLAIMS course. This course is also suitable for experienced laytime and demurrage analysts, operators, claims handlers and lawyers who already have a high level of expertise which they are looking to build on and those which have previously attended Asdem's laytime and demurrage training seminars and conferences.

In demurrage negotiations, the person with the greatest knowledge and experience is best placed to find opportunities for saving money. We examine the key issues and complex problems and demurrage dilemmas faced by the industry day to day and highlighted by the latest court and arbitration decisions to find the answers. The investment in attending this course will be repaid many times over by the savings made.

We invite delegates to bring case studies, problems or demurrage dilemmas to our training sessions and encourage them to engage with the issues, analyse, take part in and collaborate with each other to develop the skills necessary to handle the most complex problems. We will be covering many case studies and will hold a mock arbitration in which delegates take part and present their position.

COURSE PARTICULARS

Date 18/19 September 2024

Length: 2 Days (09:00 to 17:00 both days)

Location: The Chesterfield Mayfair Hotel - 35 Charles Street, Mayfair, London, W1J 5EB

Cost: US \$2,000* per delegate

*Under current Excise regulations delegates from companies based in the UK are required to pay VAT.

FEATURES OF THIS COURSE

This course takes the same practical hands-on approach that is a feature of Asdem's professional training courses. The emphasis is on active learning and participation in a classroom workshop style setting with the extensive use of case studies, calculations participation and discussion placing the emphasis on learning laytime and demurrage at an advanced level.

This course takes us beyond the basics of tanker voyage charter party laytime and demurrage and undertakes a detailed look at the working of the regimes. It focuses on the principles that apply, how the contract works and dispels common misconceptions. The emphasis is on understanding and learning.

The syllabus is comprehensive and participants on this course who complete the two days training, the calculations, case studies and obtain a certificate of attendance will have the tools to do the most complex of calculations and cope with the toughest of negotiators.

COURSE SYLLABUS

THE OIL AND GAS VOYAGE CHARTERPARTY AND THE COMMERCIAL LANDSCAPE – THE PRINCIPAL CHARTERPARTY FORMS – ASBATANKVOY (+UPCOMING REVISION BY ASBA) – BPVOY 4 AND BPVOY 5 – COMMENTARY ON THE MOST POPULAR OF FORMS WITH A WORKSHOP SESSION ON PITFALLS – BERTH CHARTERS SHELLVOY 5 AND 6 – EXXONMOBIL 2012 AND NOTABLE CHARACTERISTICS OF THIS FORM – CHOICE OF CHARTERPARTY – SHIPOWNERS CONSIDERATIONS AND PERSPECTIVE

MAKING THE CHARTERPARTY CONTRACT – THE CHARTERPARTY FIXTURE RECAP – THE ROLE OF INCORPORATION OF ADDITIONAL LAYTIME AND DEMURRAGE TERMS AND THE CHARTERPARTY FORM – THE FOUR CORNERS OF THE CHARTERPARTY CONTRACT – ITS STRUCTURE PARTS, TERMS AND CONDITIONS AND – PRACTICAL RULES FOR UNDERSTANDING THE SOMETIMES COMPLEX AND CONFLICTING CLAUSES USED IN ADDITIONAL TERMS AND BROKER RECAPS

FREIGHT – LAYTIME ALLOWANCE – DEMURRAGE – DAMAGES FOR DETENTION – THE CENTRAL ROLE OF FREIGHT AND THE DAILY RATE OF COMPENSATION FOR LOST FREIGHT (DEMURRAGE) – THE ROLE OF LAYDAYS LAYCAN CANCELLING DATES AND COMMENCEMENT DATES IN THE LAYTIME AND DEMURRAGE REGIME

VOYAGE ANALYSIS AND LAYTIME AND DEMURRAGE – FOUR STAGES IN THE PERFORMANCE OF THE VOYAGE – VOYAGE STAGES AND THEIR OBLIGATIONS – OPERATIONS STAGES – LOADING AND DISCHARGING AND THEIR OBLIGATIONS – ANALYZING LAYTIME AND DEMURRAGE USING VOYAGE STAGES

APPROACH VOYAGE – THE SHIP – SHIP OWNERS DUTIES – THE ROLE OF ESTIMATED TIMES OF ARRIVAL AND LAYTIME AND DEMURRAGE – LAYDAYS AND COMMENCEMENT DATES – MISSING AND INCORRECT ETAS

THE END OF SEA PASSAGE – ARRIVAL OF THE SHIP AT OR OFF THE PORT AND TRIGGERING THE REACHABLE ON ARRIVAL (ROA) WARRANTY – BERTH REACHABLE ON ARRIVAL – PROCEEDING STRAIGHT TO BERTH – ANCHORING AND WAITING – INNER AND OUTER ANCHORAGES – INWARD PASSAGES – SHIFTING TIME TO BERTH – SHIFTING OUT OF BERTH – SHIFTING BETWEEN BERTHS – TIME ON DEMURRAGE

THE THREE CONDITIONS TO START THE LAYTIME AND DEMURRAGE CLOCK

1. THE ARRIVED SHIP – LOADING AND DISCHARGING PORTS PLACES AND BERTHS – THE PLACE OF ARRIVAL – PORTS – ARRIVAL IN PORT – CUSTOMARY ANCHORAGE AND ANCHOR DOWN – BPVOY4/5 CONCEPT OF A VALIDLY TENDERED NOR BECOMING AN EFFECTIVE NOR FOR STARTING THE LAYTIME AND DEMURRAGE CLOCK

2. READINESS OF THE SHIP – THE READY SHIP CONCEPT – WHAT IS THE STANDARD OF READINESS – WHAT DOES MEETING THE STANDARD REQUIRE DAY TO DAY COMMERCIALY – TANK CLEANLINESS AND READINESS – IMPACT ON LAYTIME OR TIME ON DEMURRAGE

FORMALITIES – FREE PRATIQUE – CUSTOMS – IMMIGRATION AND OTHER CLEARANCES AND IMPACT ON NOR AND READINESS OF THE TANKER

DOCUMENTATION AND LEGAL READINESS – SHIP CERTIFICATION – TANKER VESSEL EXAMINATION LETTER – PORT REGULATIONS – PORT STATE CONTROL

3. THE NOTICE OF READINESS – THE CONTENT AND FORM OF THE NOTICE OF READINESS – WHO TO TENDER TO – TENDER TO AGENTS AND TERMINAL – ACCEPTANCE OF NOR – CHARTERERS WAIVER AND ACCEPTANCE OF A DEFECTIVE NOR – UNDERSTANDING THE IMPORTANCE OF THE HAPPY DAY AND OTHER CASE LAW ON ACCEPTANCE OF NORs BY TERMINALS ON BEHALF OF CHARTERERS

CASE STUDY ON THE START OF TIME UNDER VARIOUS CHARTERPARTIES

ASPECTS OF LAYTIME AND DEMURRAGE CLAIMS, BUNKERING DRIFTING AND SHIFTING – SHIP OWNERS OBLIGATION TO BE AT THE IMMEDIATE AND EFFECTIVE DISPOSITION OF ITS CHARTERER – BUNKERING IN A LINE UP, BUNKERING AFTER LOADING, TAKING ON BUNKERS DURING THE VOYAGE, STORES AND PROVISIONS – UNDERSTANDING THE SHIFTING EXCEPTION

THE COUNTING OF TIME ONCE THE CLOCK STARTS – THE OWNERS MANTRA ON THE COUNTING OF TIME – TIME COUNTS UNLESS AN EXCEPTION APPLIES UNDER THE CONTRACT OR THE OWNER IS AT FAULT AS A MATTER OF LAW

WORKING WITH EXCEPTIONS AND INTERRUPTIONS – ANALYSIS OF THE LAYTIME AND DEMURRAGE REGIMES UNDER THE VARIOUS CHARTERS AND A COMPARISON OF THE WAY THESE EXCEPTIONS REGIMES DIFFER IN PRACTICE – ANALYSIS OF EXECPTIONS – THE EXCEPTED EVENT – CAUSATION – CASE STUDY – THE BUT FOR TEST AND THE MEANING OF TIME SPENT OR LOST (BPVOY4/5) – THE DEEMING PROVISIONS OF CL 14 OF EMVOY 2012 – AMBIT OF EXCEPTIONS IN SHELLVOY5/6

THE END OF LAYTIME OR TIME ON DEMURRAGE – HOSES OFF – DUTY TO TAKE HOSES OFF PROMPTLY – CASE STUDY - DOCUMENTATION – DEPARTURE FOR DISCHARGE PORT OR END OF CHARTER

THE LOADED VOYAGE – DELAYS AND INTERRUPTIONS TO THE VOYAGE AND RESPONSIBILITY FOR TIME

INTERIM PORTS – WAITING FOR INSTRUCTIONS OR ORDERS – CALCULATION AND COST OF TIME WAITING – DAMAGES FOR DETENTION – QUANTUM MERUIT BASIS OR CALCULATED ACCORDING TO CHARTER PROVISIONS

CARGO DISCHARGE OPERATIONS – RESTARTING THE LAYTIME AND DEMURRAGE CLOCK – THE RUNNING OF LAYTIME AND TIME ON DEMURRAGE AT THE DISCHARGE PORT – DISCHARGE PORT NORs

PUMPING – PUMPING PERFORMANCE WARRANTIES – UNDERSTANDING THE WARRANTY AND HOW IT WORKS

PUMPING PERFORMANCE CALCULATIONS – THE IMPORTANCE OF PUMPING LOGS – SHIP AND SHORE STOPPAGES – THE IMPORTANCE OF THE MASTERS NOTE OF PROTEST – SIGNING DOCUMENTS FOR RECEIPT – CALCULATION AND CASE STUDY

PRO RATING OF TIME BETWEEN SEVERAL RECEIVERS – THE PRINCIPLES EXPLAINED AND WITH CALCULATIONS

TIME BARS AND RECOVERY OF DEMURRAGE

UNDERSTANDING TIME BARS AND THE TIME BAR LANDSCAPE – TYPES OF TIME BAR – CONTRACTUAL AND STATUTORY – TIME BARS REQUIRING NOTICE OF CLAIMS WITHIN A LIMITED PERIOD OF TIME – CLAUSES WHICH REQUIRE CLAIMS TO BE SUBMITTED WITHIN A LIMITED PERIOD OF TIME – CLAIMS TO WHICH TIME BARS APPLY AND CLAIMS TO WHICH TIME BARS DO NOT APPLY – PROVISIONS APPLYING TO MECHANISM FOR NOTIFICATION OF CLAIMS – SUPPORTING DOCUMENTS – THE MEANING OF THE EXPRESSION – NAMED DOCUMENTS AND DOCUMENTS NOT EXPRESSLY NAMED – SUPPORTING A CLAIM WITH DOCUMENTS AND PROVING A CORRECTLY DOCUMENTED CLAIM

FINAL SESSION – CASE STUDIES WITH QUESTION-AND-ANSWER SESSION ON ISSUES AND PROBLEMS FACED DAY TO DAY

ASBATANKVOY CHARTERPARTY CASE STUDY – VESSEL FIXED FOR FE ON WS BASIS 1:1 GOING EAST TO ASIA AFTER LOADING IN THE GULF CONTRACT IS COMPLICATED AND IN 4 PARTS AND FEATURES AN ESTIMATED 150 + TERMS IF IT WERE DRAWN UP IN FULL – VESSEL TAKES AN OPTION TO GO THE USGC – AT THAT TIME A LOW SULPHUR 'REGION' – CARGO IS DISTRESSED AND HAS TO BE SOLD IN PARCELS – WE FOLLOW THE LIFE OF THE VOYAGE AND DO THE LAYTIME AND DEMURRAGE CALCULATION

BPVOY 4 CASE STUDY – MEASUREMENT OF CARGO LOADED – SURVEYOR HAS DIFFERENT MEASUREMENTS – ULLAGING OF TANKS – DELAYS AND ATTENDANCE FROM THE SHORE BY P+I CLUB – RESPONSIBILITY FOR TIME LOST AND LAYTIME AND DEMURRAGE CALCULATION

TIME BAR CASE STUDIES

BPVOY 4 TIME BAR CASE STUDY – A VESSEL FIXED ON BPVOY 4 WHICH COUNTS ALL TIME INCLUDING WAITING TIME AS LAYTIME OR TIME ON DEMURRAGE IS ASKED TO WAIT FOR 6 WEEKS IN SINGAPORE AFTER LOADING – VESSEL SUBMITS LAYTIME AND DEMURRAGE

CLAIM – OUR BROKER AUDITS THE SUPPORTING DOCUMENTS AND ADVISES – THE CLAIM IS SUBMITTED – HAS THE TIME BAR CLAUSE BEEN WAIVED BY THE CHARTERERS, CASUAL COMMENT FROM AN OPERATOR IN AN EMAIL ? THE CHARTERERS FINALLY REVIEW THE CLAIM AFTER 130 DAYS HAS PASSED AND POINT OUT THAT THERE ARE NO SUPPORTING DOCUMENTS FOR THE TIME SPENT WAITING AND TIME BAR THE CLAIM.

A CASE STUDY ON AVOIDING HAVING A CLAIM TIME BARRED EVEN WHEN DOCUMENTS ARE MISSING – CASE STUDY ON STRATEGY – WHEN THINGS GO WRONG AND PUTTING THEM RIGHT

PRESENTER

Andrew Wilding is the Managing Director of Asdem, and a maritime lawyer qualified to practice law professionally in England (1988) and Hong Kong (1989) and as Counsel in Singapore. He has over 40 years' experience in shipping and trading law and is recognised internationally as a legal and commercial expert in the operation of oil industry sale and purchase and charterparty contracts and laytime and demurrage. Andrew advises ship owners, ship managers, charterers, national oil companies, oil majors, multi-national oil and product trading companies, and their insurers. Whilst in professional practice Andrew appeared before the English House of Lords, The Privy Council and The Court of Appeal and High Court as well as arbitration tribunals throughout the world including Japan, Korea, Hong Kong, Singapore, India, Malaysia, Paris, London, and New York.

In 2008 Andrew left professional practice and joined Roger Sepkes at Asdem in London and set up Asdem's Singapore office to focus on working as a commercial and legal specialist advisor and consultant to the energy industry. Following Roger's retirement in 2016 Andrew was appointed the Managing Director of Asdem and relocated to Europe whilst retaining responsibility for its office in Singapore.

Andrew is the industry advisor to the Naphtha Industry in Asia and organizes the annual Open Specification Form Naphtha meeting and travels frequently to chair industry meetings and discussion groups. Andrew is also responsible for drafting the general terms and conditions for the Naphtha trade in Asia and recently drafted new general terms and conditions terms for the trade of Naphtha in Europe.

Andrew is a visiting professor of English Maritime Law and has lectured for numerous academic and professional institutions in Japan, Korea, China, Singapore, Hong Kong, London, and the United States. He is the author of numerous published articles on Maritime Law and has contributed to several books for the oil and gas industry.

Andrew provides professional training services to the laytime and demurrage departments of oil and gas companies all over the world. He is frequently asked to act as an independent and objective expert to assist parties with an issue in dispute.

COURSE DISCOUNTS*

US \$100 early bird discount will be available for companies who register and make payment prior to the event.

US \$150 discount will be available to Asdem clients and delegates who have attended prior courses and conferences. Where 3 or more bookings are made by the same company a **US \$50 discount** will be applied for each delegate. **Two-course discounts:** delegates who also register for the Fundamentals of Calculation, Negotiation and Settlement of Claims (5 September 2024) or Laytime and Demurrage under Sale and Purchase Contracts (25/26 September 2024) will receive a **\$450 discount**.

*Discounts are not cumulative. The largest discount that a delegate is eligible for will apply.

COURSE COSTS INCLUDE

The fee for this course includes refreshments, buffet lunch, morning and afternoon tea and coffee, event training manual, reference materials and a certificate of attendance.

The fee for each event does not include accommodation.

If you require accommodation, we will be happy to provide the contact information for the venue which is hosting this course. You may also contact us for a list of alternatively priced hotels conveniently located near the event venue.

REGISTRATION

You may register for this course by filling out the registration form on the last page of this brochure. Once completed, please return the form to info@asdem.com.

PAYMENT

Payment may be made via bank transfer or credit card. Once your completed registration form has been received, you will be issued an official invoice with full bank transfer instructions. Please contact us at info@asdem.com if you would prefer to pay by credit card.

Payment must be received no less than five working days prior to the event. Once payment has been confirmed, joining paperwork will be emailed to you.

CANCELLATIONS AND SUBSTITUTIONS

Cancellations must be received in writing no less than 10 business days prior to the event and will be subject to a 25% administration fee plus VAT, if applicable. It is regretted that cancellations after this date cannot be accepted, and your company will be liable for the full fee.

Delegate substitutions, however, may be made at any time. Please advise of any delegate substitutions as soon as possible by sending us an email at info@asdem.com.

COURSE ORGANISERS – ASDEM

ASDEM is the leading independent consultancy providing specialised services to the oil industry including all oil majors, major oil and chemical companies, international traders, tanker owners, charterers, brokers, and lawyers.

Our core area of expertise is in demurrage, detention, deviation, and other delay claims. ASDEM provides impartial and independent advice and assistance as an advisor on claims recovery and for cost effective oil industry dispute resolution, mediation and – only if necessary – arbitration. Our services are aimed at resolving disputes efficiently and fairly. Our primary objective is to find fair and commercial solutions aimed at negating costly and lengthy proceedings while preserving relationships. ASDEM offers an independent arbitration service that provides a fast, reliable, and cost-effective way to resolve disputes.

ASDEM also runs very practical training seminars on topics such as laytime and demurrage, oil operations, tanker chartering, loss control, refining, and more. We also advise on the drafting of standard form tanker charterparties, oil industry sale and purchase contract terms and conditions.

With an established and market-leading reputation in the oil industry, ASDEM can draw upon a team of experienced consultants to place in clients' offices – often at short notice – to complete special projects, clear backlogs of outstanding claims and set up and train claims departments.

In-house training can also be provided on fundamental and advanced laytime and demurrage, sale and purchase contracts, inspection, quality issues, petroleum technology, blending, oil operations, risk management and tanker chartering. Contact us at info@asdem.com for more details.

COMPLEX PROBLEMS
understood

STRAIGHTFORWARD ANSWERS
provided

EFFECTIVE SOLUTIONS
achieved

SETTING STANDARDS
state-of-the-art education
and training for the oil and gas industry



ASDEM – INDEPENDENT AND IMPARTIAL ADVISERS AND PROFESSIONAL TRAINING SERVICES PROVIDER TO THE OIL AND GAS INDUSTRY



REGISTRATION FORM

LAYTIME AND DEMURRAGE UNDER OIL AND GAS TANKER VOYAGE CHARTERPARTIES: BEYOND THE BASICS

18/19 SEPTEMBER 2024 - THE CHESTERFIELD MAYFAIR HOTEL - LONDON

COMPANY INFORMATION

Company Name: _____

Company Address: _____

Contact Name: _____ Contact Number: _____

Email Address: _____ VAT Number: _____

DELEGATE 1

Delegate Name: _____ Corporate Title: _____

Department: _____ Email Address: _____

Desk Phone: _____ Mobile Phone: _____

DELEGATE 2

Delegate Name: _____ Corporate Title: _____

Department: _____ Email Address: _____

Desk Phone: _____ Mobile Phone: _____

DELEGATE 3

Delegate Name: _____ Corporate Title: _____

Department: _____ Email Address: _____

Desk Phone: _____ Mobile Phone: _____

DELEGATE 4

Delegate Name: _____ Corporate Title: _____

Department: _____ Email Address: _____

Desk Phone: _____ Mobile Phone: _____

After completing the above information, please email back to us at info@asdem.com