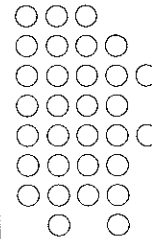


**A presentation for the
MALOOF BROWNE & EAGAN
First International Cargo
Recovery Conference**

**New York
12th & 13th June 2008**

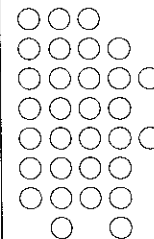
Tim Knight
Partner, Holmes Hardingham London
(A division of HBJ Gateley Wareing LLP)



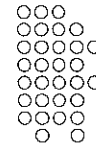
NOTE: Information herein is simplified and provided for discussion purposes only – not to be construed or utilized as legal advice. Lawyers should be consulted in relation to specific claims.

**Practical aspects of
UK Recovery Law**

**An overview and update on some
recent cases**

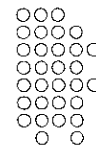


Timescale for litigation



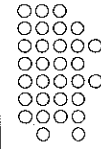
- Pro-active case management
- A year or less to trial

Costs and expenses



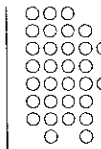
- Solicitors and Barristers
- Hourly rates / fixed fees
- Conditional fees
- Recoverable costs
- Court fees

Security



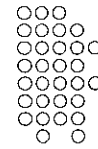
Arrest of ships
Freezing Orders

Sea carriage to or from the UK



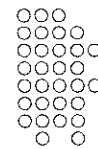
- Hague-Visby or Hamburg Rules
- 1 year/2 year time limit for legal action
- Standard weight/package limitations
- Private conditions of “ferry” operators

UK road losses



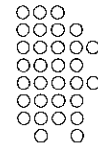
- Road Haulage Association (RHA) - £1300 per tonne weight limitation; 1 year time limit
- British International Freight Association (BIFA) - 2 SDRs per Kg weight limitation; 9 month time limit
- Other individual carrier's conditions

UK warehousing losses



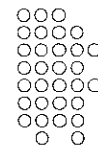
- United Kingdom Warehousekeepers Association (UKWA) - £100 per tonne weight limitation; 9 month time limit
- Other individual warehousekeeper's conditions

Domestic UK air losses



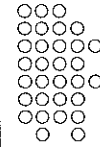
- NOT Warsaw Convention as such but...
- English law applies much of the Amended Warsaw Convention

European air carriage



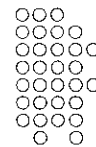
- Warsaw Convention : which variant depending on countries of departure and arrival
- Weight limitation set (under English MP3 application) at 17SDRs per Kg (about \$27.50)
- 2 year time limit for legal action - time extensions probably invalid

European road carriage



- CMR Convention - automatic application
- Carrier (or carriers) liable unless within very narrow exceptions
- Carriers' liability limited : 8.33 SDRs/Kg (about \$13.50)
- Weight limitation broken if "wilful misconduct" by the carrier/s
- Time limit for legal action 1 year but 3 years if "wilful misconduct"

Wilful Misconduct



- Lacey's Footwear -v- Bowler International [1997]
- Alena -v- Harlequin Transport [2002]
- TNT Global -v- Denfleet [2007]

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