

CUSTOMS & USAGES AT THE PORT OF TALLINN

I PART

CONCERNING AFFREIGHTMENT,
LOADING, DISCHARGING AND
AGENCY

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CUSTOMS & USAGES

AT THE

PORT OF TALLINN

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dance with § 2 section 8 of the
Law relating to said Chamber.

I P A R T

CONCERNING AFFREIGHTMENT, LOADING,
DISCHARGING AND AGENCY



Tallinna Eesti Kirjastus-Ühisuse trükikoda, Pikk t. 2. 1938

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§ 1.

The customs and usages at the Port of Tallinn shall be applied in the absence of special provisions foreseen by law, or of contradictory stipulations in the contract of affreightment or in the Bill of Lading agreed upon by both parties to the contract, or when such contracts refer certain points for settlement according to "custom", "custom of the port" or "at current rates".

I. Arrival, Departure and Berthing of Vessels, also Preparations for Loading and Discharging.

§ 2.

The Chamber of Commerce and Industry shall determine the date when navigatsion, due to ice conditions, shall be regarded as closed. The date of re-opening of navigation in the spring (fow) shall be determined in a similar manner.

§ 3.

The special terms appearing in the Charter-Parties shall have the following meanings:

- a) In the case of a part-cargo the term "circa" shall entitle a ship to receive any shipment

from 5 per cent more to 5 per cent less. The Shipper, however, is obliged to deliver the entire quantity specified by the contract of affreightment.

- b) In the case of a full cargo the term "circa" shall entitle a ship to load 10 per cent more to 10 per cent less. The Shipper, however, is obliged to deliver up to the ship's capacity.
- c) "Circa", "about" or "kalkuliert" or any other term of similar tenor in connection with a certain date shall signify a period commencing 5 days prior and ending 5 days after such a date.
- d) "Beginning of month" or "about the beginning of month" shall signify a date not before the 1st and not after the 10th day of such a month.
- e) "Middle of month" or "about the middle of month" shall signify a date not before the 11th and not after the 20th day of such a month.
- f) "End of month" or "about the end of month" — not before the 21st and not later than the last day of such a month.
- g) "End of (month) or beginning of (month) — any date within the last 5 days of the preceding and the first 5 days of the succeeding month.
- h) "First half of month" — from the 1st to the 15th day.
- i) "Second half of month" — from the 16th to the last day.
- j) "First open water" or "prompt fow" shall denote readiness for loading inside of three

weeks in the case of a steamer or a motor-ship, and inside of four weeks in the case of a sailing ship, counting from the day when, in accordance with paragraph 2, navigation was declared open.

- k) "Running days" (loading, discharging) shall signify that the ship must load or discharge within the stipulated number of consecutive days, counting every day as equal to 24 hours, from the time of the ship's readiness, without any deductions for Sundays, public holidays, suspension of work due to rain or other obstructions, but deducting any delay caused directly by the ship.
- l) "Running weather days" — same as k), but deducting in addition time lost by reason of adverse weather.
- m) "Sofort", "spot-prompt" loading or delivery of cargo shall signify readiness for loading or delivery of cargo within 3 running days. "Prompt" — delivery of cargo or readiness for loading within 7 running days.

§ 4.

"In the Port of Tallinn" or "from the Port of Tallinn", when used in a contract of affreightment shall mean loading or discharging within the limits of the Old Harbour (Bassin 1, 2 & 3). Loading or discharging in the New (Mine) Harbour or in the private harbours of Peter's, Becker's or Russian-Baltic Works must be expressly stipulated in the contract. However, ships chartered to load or discharge at the „Port of Tallinn“ are obliged to load or discharge also at the New or at any other of the private harbours

mentioned above, provided the expense of shifting and of time lost thereby is borne by the Shipper or Receiver, and that the vessel's draft is no impediment to her berthing, entering or leaving these harbours.

§ 5.

"Discharging berth" signifies a berth assigned by Port Authorities to a ship arriving with cargo, such berth to be situated in the Old Harbour if the ship is chartered to Tallinn; if the ship is chartered to "Tallinn-New (Mine)" or "Tallinn-Peter's" or "Tallinn-Becker's" or "Tallinn-Russian-Baltic" — then an assigned berth in one of the latter harbours.

A "loading berth" shall be assigned to the ship by the Shippers in the Old Harbour. If, however, according to agreement, the loading shall be carried out in the New, Becker's, Peter's or Russian-Baltic Works' Harbours, then in one of the assigned harbours, but always in a place where the ship has sufficient depth of water. In the case of more than one Shipper, the "Loading berth" shall be assigned by the ship's Agent.

In the event of the assigned berth being occupied by other craft, or if it is impracticable by reason of the ship's draft, the ship shall forthwith occupy the nearest available berth to the one assigned, whereby the ship's obligations are considered as discharged.

§ 6.

Notice of the ship's readiness to load or to discharge cargo shall be delivered by the ship's Master or Agent to Receiver, Shipper or their agents, by letter, word of mouth or by telephone. Notices

conveyed by word of mouth or by telephone must be subsequently confirmed in writing.

If such a notice is delivered before 4 p. m. (on Saturdays before 1 p. m. and on days preceding public holidays before 12 noon) the time of loading or discharging shall be counted from the morning of the next working day, and from 12 noon of the next working day if notice was delivered after 4 p. m. (1 p. m. and 12 noon respectively).

Provisions stipulated in the preceding sections shall not be considered as applicable in respect of liners and general cargo boats. Loading and discharging of the latter shall commence immediately the ship is berthed and the Customs permit obtained.

§ 7.

Customs permits required for loading or discharging of cargo must be procured by the Shipper, Receiver or their agents who shall fulfill also all necessary formalities.

As regards loading of easily perishable provisions the ship is obliged if possible to inform the Shipper of the time of her readiness to receive the goods. Notices of such information must be delivered on week-days between the hours of 9 a. m. and 4 p. m. (on Saturdays and on days preceding public holidays between the hours of 9 a. m. and 1 p. m. and 9 a. m. and 12 noon respectively), and, if possible, 3 hours before the goods are demanded to be delivered to the ship.

A ship is regarded as ready to load or to discharge when she is lying in her loading or discharging berth, and, in the case of loading, when her holds are clear to receive the cargo.

§ 8.

Ships which arrive in the Port of Tallinn with cargo and after discharge are destined to take on a new cargo in the above Port, may deliver the notice of readiness to load, as specified in paragraph 6, before the completion of discharging and shifting to her loading berth. In such cases the ship is responsible for receipt of cargo at the appointed hour.

§ 9.

For the computing of "working days" or "loading or discharging-days" as per agreement all Sundays and officially recognised public holidays as well as periods, during which it was impossible to carry on work either because of rain, snow, storm or other force majeure, shall be deducted from the total loading or discharging time occupied. Saturdays and days preceding public holidays shall be considered as half days.

The duration of a working day shall be computed on the basis of the officially determined hours as composing one such a day (at present 8 hours on week-days and 6 and 5 hours respectively on Saturdays and days preceding public holidays). Time lost because of excessive rain, snow etc. shall be computed in hours.

§ 10.

If so required by Shipper, a ship chartered to load a full cargo may be demanded to load in not more than two places, the expense of shifting to be borne by the ship. The number of shiftings at ships expense may not exceed one shifting; and always provided the shifting takes place within the limits of the same harbour, i. e. Old, New, Peter's, Becker's, or Russian-Baltic Works.

II. Loading and Discharging of Vessels.

§ 11.

When discharging, the ship shall deliver cargo up to the railing, with the exception of general cargo which the ship must deliver to the full reach of her tackle.

At loading of goods packed in cases, crates, barrels etc. the Shipper shall deliver such cargo alongside ship abreast of hatchways and up to the railing; goods in bulk shall be delivered by the Shipper up to the hatchways and shot into the holds.

§ 12.

Stages necessary for loading and discharging shall be provided by Shippers or Receivers.

At the Receiver's request bulk may be broken at discharge of cargo in the holds of the ship and packed into bags, barrels etc., but such packing materials to be provided by the Receiver at own expense. The latter shall likewise pay all additional expenses incurred in connection with holding the bags, barrels etc. in an upright position for filling and for closing of same.

Mats and other effects for dunnage purposes shall be provided by the Shipper of the cargo, but the ship shall be obliged to place these at loading. Necessary means for securing deck cargo shall be provided by the ship at her own expense; likewise the actual work of securing the deck cargo shall be carried out by the ship at her own expense and responsibility.

At loading of ships all staging work shall be done for the account of the cargo by a stevedore hired by the ship or the shipowner.

In the case of a Shipper having to load about 50 tons of goods of similar nature into one hatchway, which shall require about half a day, he shall have the right to carry out the staging work mentioned above himself or with his own stevedore.

"Staging work" means building of a stage for placing of goods and handling of goods into ship's sling.

§ 13.

All expenses connected with the tallying, measuring and weighing of cargo and filling of bags shall be for the account of the cargo.

§ 14.

As regards the compulsory use of the quayside cranes, regulations issued by the Port Administration are in force.

When, in accordance with regulations, the use of a quayside crane at a particular berth assigned to the ship is made compulsory, the cost of loading or discharging from ship to quay, or vice versa, by means of crane shall be divided equally between the ship and the cargo.

When loading or discharging is carried out at ship's expense, the ship shall bear the expense of winches, winchmen, loading and discharging tackle, stowing and trimming.

When, however, loading or discharging is for the account of the cargo (fio), the cargo shall bear the expenses connected with loading, discharging, trimming, stowing, and also charges for the use of crane. When loading or discharging is effected by ship's winches, the ship shall supply only winches, steam, derricks and wires; the expense of winchmen, slings

and necessary tackle for loading or discharging shall be for account of the cargo.

When a liner or a general cargo boat demands delivery of cargo for loading, or wishes to discharge cargo outside of regular working day i. e. on week-days between 4 p. m. and 7 a. m. (on Saturdays and on days preceding public holidays beginning with 1 p. m. and 12 noon respectively) then the ship shall bear the expense of overtime done in the holds of the ship and on the stage; and of staging work at loading only when this work is carried out by a stevedore hired by the ship or her owner.

Paying for overtime in the case of tramp vessels shall be effected in accordance with an agreement concluded between the ship and the Receiver or the Shipper of the cargo.

§ 15.

Ship's obligation to load or discharge with own winches shall be limited to lifts not exceeding the capacity of the ship's derricks, such limit to be determined by the Master of the ship; but in all cases the minimum weight shall not be under 1 ton. The loading or discharging of lifts exceeding the capacity of the ship's derricks shall be carried out by the floating or quayside cranes, the expense of which shall be borne by the cargo.

In the case of absence on board the ship of winchmen speaking the Estonian language, the latter shall be hired by the stevedore at the expense of the ship.

§ 16.

When the ship has been chartered without the daily rates or the number of days of loading or

discharging having been determined, or if loading or discharging has been referred for settlement according to "custom" or "without delay", the daily rate of loading or discharging shall be computed for a normal 8-hour working day according to the table given hereafter.

Per hatch per day
in tons of 1000 kg.

1. General Cargo:

a) Agricultural Machinery and Implements	80 tons
b) Iron in bars	75 „
c) Other General Cargo, on average	100 „
2. Cargo in bags ,	125 „
3. Cargo in barrels	125 „
4. Potatoes in sacks and cases . . .	100 „
5. a) Flax, Hemp	90 „
b) Tow	70 „
6. Paper in bales and rolls	100 „
7. Cellulose	125 „
8. Plywood, Box-Boards	100 „
9. Scrap Iron	75 „
10. Coal and Oil Shale	125 „
11. Coke	80 „
12. Oil-cake, in bulk	80 „
13. Other goods in bulk (Grain, Kao- lin, Salt etc.):	
a) unweighed, including bagging .	125 „
b) on stage, weighing	100 „
14. Tanning materials (Quebracho) .	125 „

15. Timber:

a) Deals and Battens and ends thereof	25 standards
b) Boards	20 „
c) Ends of Boards	18 „
d) Props, Pulpwood	30 cub.fathoms
e) Birch and Aspen Logs	80 loads
f) Telegraph Poles (Rickers)	20 standards
g) Sleepers	100 loads
h) Box-Boards	18 standards
i) Plasterer Laths in bundles and squares	20 „

In the case of vessels with large hatches, the both ends of which are fitted with a winch and derrick, thus making possible working at both ends without hindrance, one hatch shall be considered as equal to two. Likewise one hatch shall be considered as equal to two if work is carried out by double run, i. e. with two cranes or with one crane and the ship's winch.

A hatch of a bunker or coal-bin fitted with means of lifting shall be considered as equal to half a hatch.

In order to ascertain the ordinary daily quantity of loading or discharging per ship, the rates given above shall be multiplied with the number of hatches occupied, noting thereat the special regulations given in the two preceding sections.

Rates of loading or discharging specified above shall apply only to ships with mechanically operated winches. As regards ships fitted with hand-winches, the rates shall be counted as 50 per cent less. If,

however, ships of the latter type load or discharge by means of quayside cranes, the full rates shall apply.

§ 17.

The daily rates fixed in the preceding paragraph (§ 16) are obligatory provided the ship can maintain these rates when receiving cargo. A Shipper is free to exceed these rates to the full limit of the ship's capacity to receive.

§ 18.

In the case of a tramp ship loading a full cargo the Shipper is accorded 3 hours, beginning with the time of the completion of loading, within which to present Bills of Lading and other documents. After that time the ship shall lay at the expense of the Shipper.

In the event of the incapacity of the ship to receive the entire cargo ordered so that a part of the cargo remains unloaded, the time period shall be extended until the determination of the quantity of the remaining cargo, but not more than 3 additional hours, at the passing of which time the ship shall lay at the Shipper's expense.

Time accorded for the signing of Bills of Lading and other documents, as well as for the determining of the remaining quantity of cargo shall not be prolonged in the case of a Master of a ship having delegated the execution of these duties to his local representative. In the latter case the Shipper is obliged, at the latest within 6 hours from the time of the completion of loading, to present Bills of Lading and other documents to a person authorised to sign.

In the case of a liner, or a ship laden with general cargo, provided such vessels have scheduled dates of departure, all required documents shall be presented at the latest in the time for ship's departure.

§ 19.

When a ship has been chartered on the "lump-sum" basis, all space generally used for the carriage of cargo, including such portions of deck as are suitable for the carriage of a given cargo, shall be made available for the cargo.

§ 20.

Unless otherwise agreed all calculations shall be made on the basis of the following relations between the units of weights and measures: —

a) Tons weight: —

- 1) For goods destined to or coming from Great Britain and her Dependencies, and U. S. A.: — 1 ton = 20 cwt.
— 2240 English lbs. — 1016 kg.

- 2) For goods destined to or from countries other than the abovementioned: 1 ton — 1000 kg.

b) 1 standard of Sawn Timber Materials — St. Petersburg standard — 165 cubic feet of solid wood matter.

c) 1) 1 cubic fathom of Props — $6' \times 6' \times 6'$ — 216 feet of piled Props.

- 2) 1 standard of Props — Gothenburg standard — 180 cubic feet.

d) 1) 1 load of Sleepers or other square Timber — 50 cubic feet of solid wood matter.

- 2) 1 load of round timber — 50 cubic feet of solid wood matter. Calculations of solid wood matter for deciduous trees shall be computed according to W. Kohlmann's table.
- e) 1 foot — English foot — 12 inches.

III. Agency Services.

§ 21.

As agents of a vessel, local firms are in all circumstances bound to render such vessel every assistance and to attend to the ship's clearance.

§ 22.

In all cases agents are free to decline the agency of any vessel without naming their reasons for such a refusal.

§ 23.

Shipowners have free choice of agents, unless they are bound, in respect of any agent, by the contract of affreightment or by any other agreement.

§ 24.

Freight on inward cargo shall be settled in accordance with the provisions of the contract of affreightment, or Bill of Lading (or Manifest).

The agent shall be entitled to charge interest at the official rate of discount on freight or charges forward not settled within 7 days, this charge to be computed from the date of the arrival of the vessel.

§ 25.

For the collection of inward freight the ship-owner shall be obliged to pay the agent the following remuneration: —

- a) bulk cargo and one consignee — $\frac{1}{2}$ per cent of the amount collected;
- b) bulk cargo and more than one consignee, likewise in the case of mixed cargo — 1 per cent.

§ 26.

For payments made in cash by the agent, the latter is entitled to a commission up to 2 per cent, provided settlement ensues not later than within one month from the date of the vessel's departure.

The commission on freight advance is 2 per cent plus insurance premium.

Exhibl. univ. Tart.