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INSTITUTE CLASSIFICATION CLAUSE 01/01/2001

QUALIFYING VESSELS

This insurance and the marine transit rates as agreed in the policy or open cover apply only to cargoes and/or interests carried by mechanically self-propelled vessels of steel construction classed with a Classification Society which is:

1.1 a Member or Associate Member of the International Association of Classification Societies (IACS), or

1.2 a National Flag Society as defined in Clause 4 below, but only where the vessel is engaged exclusively in the coastal trading of that nation (Including trading on an inter-island route within an archipelago of which that nation forms part).

Cargoes and/or interests carried by vessels not classed as above must be notified promptly to underwriters for rates and conditions to be agreed. Should a loss occur prior to such agreement being obtained cover may be provided but only if cover would have been available at a reasonable commercial market rate on reasonable commercial market terms.

AGE LIMITATION

2). Cargoes and/or interests carried by Qualifying Vessels (as defined above) which exceed the following age limits will be insured on the policy or open cover conditions subject to a additional premium to be agreed.

Bulk or combination carrier over 10 years of age or

Other vessels over 15 years of age unless they

2.1 have been used for the carriage of general cargo on an established and regular pattern of trading between a range of specified ports, and do not exceed 25 years of age, or

2.2 were constructed as containerships, vehicle carriers or double-skin open-hatch gantry crane vessels (OHGCs) and have been continuously used as such on an established and regular pattern of trading between a ranged of specified ports, and do not exceed 30 years of age

CRAFT CLAUSE

3). The requirements of this Clause do not apply to any craft used to load or unload the vessel within the port area.

NATIONAL FLAG SOCIETY

4). A National Flag Society is a Classification Society which is domiciled in the same country as the owner of the vessel in question which must also operate under the flag of that country.

PROMPT NOTICE

5). Where this insurance requires the assured to give prompt notice to the Underwriters, the right to cover is dependent upon compliance with that obligation.

LAW AND PRACTICE

6). This insurance is subject to English law and practice.

The joint cargo committee (JCC) circulated a draft of the revised Institute Classification Clause to a wide audience under its circular JC 2000/0007 dated 29 October 2000. Following this Procedure the JCC received a wide spread of comment relating to the draft. The committee has now agreed the final version of the clause, and a copy, dated 1 January 2001, is attached. The only amendment from the previously circulated draft is a change to the numbering of the sub-clauses under clause 2 to bring it into line with other Institute clauses.

The attached drafting notes have also been prepared which outline the major issues dealt with during this latest amendment to the clause. These notes have been updated from those issued on 29 September to clarify some of the issues brought out during the consultation process.

The new clause is available for use on new business and renewals with immediate effect.

The Institute Classification Clause 1/8/97 will be withdrawn from circulation on a date to be advised.

Institute Classification Clause 1/1/2001: Drafting Points.

(1) the word "insurance" has been added in Clause 1 to emphasize that non-compliance with the Classification Clause goes directly to the validity of cover and not only to the rate of premium.

(2) The clause refers to "...vessels of steel construction..."the JCC would regard this

term as also encompassing vessels constructed of aluminium alloy.

(3) It has been decided by the JCC that it is no longer appropriate to nominate particular classification societies but, instead, to accept all societies who are full or associate members of IACS (Clause 1.1). Reference is made in a footnote to the current IACS website, which contains a current list of member societies.

(4) Where there is coastal trading (Clause 1.2) the JCC will also recognise classification with National Societies as defined in Clause 4. It should be recognised that, where felt appropriate by underwriters, a National Flag Society could include a governmental maritime authority vested with the power to issue trading licences and certificates.

(5) It is to be noted that vessels not classed with IACS or a national flag society "must be" promptly notified to underwrites. Both rates and conditions must be "separately" agreed.

(6) The JCC has decided to retain the 10 year age limit for bulkers, this being in accordance with the technical advice received and soundings in the international markets through questionnaires. The JCC has decided that, in the light of technical information received, larger tankers over 10 years of age no longer call for special treatment and the age limitation before an AP is payable becomes 16 years.

(7) The JCC has decided to modify the concept of liner trade routes for vessel carrying general cargo to bring it more into line with current trading patterns. The JCC has also introduced in Clause 2.2, after consultation with both insurance markets and shipowners, a completely new concept excepting certain containerships, open hatch gantry crane vessels and vehicle carriers from the age limits, though an upper age limit of 30 years is still imposed

(8) cargoes carried by ship's falling within the classification requirements but outside the age limits may, as before, be insured on cover terms but at rates to be agreed.

(9) underwriters will require other vessels not falling within the accepted classification societies to be notified promptly for rates and conditions to be agreed.

(10) a new clause takes the place of the earlier "held covered" provision. This new clause represents the English law position as to "held covered" as it currently stands, and has the effect of no change from the position under the current wording. It was felt that there had been misunderstandings in some quarters as to what was meant by "held covered" and that some elaboration would be helpful. Evidence of "market terms" would require an

exercise to establish what terms might be obtainable in the market place i.e. from a representative sample of underwriters active in the class of underwriting cargo business. The fact that one underwriter might quote for a risk generally regarded as unacceptable by such a representative sample of underwriters, would not avoidance that the risk could be insured at a "reasonable commercial market" rate/terms. The collective view of such a sample would represent the market position.

(11) The Craft Clause (providing that the classification clause does not apply to craft used to load or unload the vessel within the port area) has been updated to omit the words "raft and lighter" as these are included in the word "craft". The new Craft Clause has been added as a note of the end of Classification Clause, where it is more appropriately

(12) In line with the Institute Clauses it made clear that the insurance as subject to English law and practice.