

- 1 Do you regularly transport goods by air, sea, road or rail?
- 2 Are you aware of the many forms of contract that are currently in use?
- 3 Are you unsure on the correct jurisdiction for claims?
- 4 Do you need advice on defending a claim, or on limiting your liability?

#### Mason Hayes+Curran – How can we help?

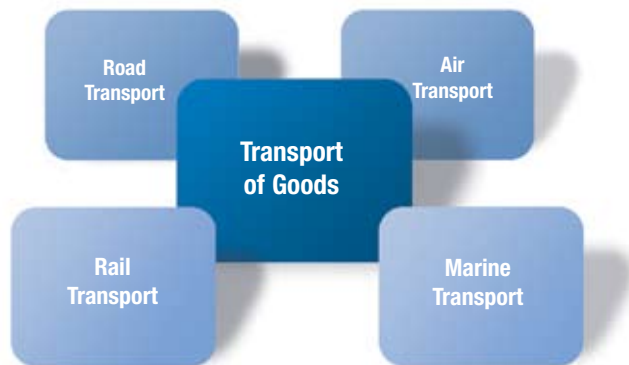
Mason Hayes+Curran's transport team provides legal services to both domestic and international clients involved in the transportation of goods. Despite transport law being a complex area of law we strive to ensure that clients are provided with clear and practical advice at all times.

The transport team has extensive experience of the international transport market and provides clients with comprehensive advice on the carriage of goods by air, sea, road or rail (or a combination of these different modes of transport). The different modes of transport are governed by different conventions. These conventions and amendments to them need to be considered carefully in conjunction with the huge range of clauses commonly adopted by different carriers in the transport sector.

Where transport is within Europe, a carrier, importer or exporter needs to be fully cognizant of the increasing number of directives issued by the European Council in this area of law. The Mason Hayes+Curran team has extensive experience advising and representing logistic companies, freight forwarders, leading importers and exporters, haulage companies and many of the leading transport insurers.

Disputes typically arise where two or more forms of carriage have been used. We are frequently asked to advise on issues such as the correct forum for a dispute, the applicable law that a dispute is governed by and appropriate levels of limitation. As a full service business law firm, Mason Hayes+Curran has the knowledge and breadth of experience to respond to these typical transport / multi-modal issues, providing clients with prompt practical and commercial advice.





### Road Transport

The CMR Convention and subsequent amendments, was introduced in Ireland in 1990 by the International Carriage of Goods by Road Act. Where applicable the provisions of CMR become terms of the contract of carriage. CMR is not however a complete code and the terms of the contract itself are relevant where CMR is silent. The CMR convention, whilst introduced with the intent of establishing uniform conditions for contracts for international carriage of goods by road, is a highly complex convention and notoriously gives rise to numerous but often low value claims.

Our transport team provides cost-effective advice on all aspects of road transport contracts including the application of the convention, the handling of claims, issues of liability of the Carrier, carriage of dangerous goods, defences the Carrier may be entitled to avail of and the compensation / limitation regime applicable.

### Air Transport

The carriage of goods by air requires consideration of a number of international agreements including the Warsaw Convention 1929, the Hague Protocol of 1955 (amended version of the Warsaw Convention) and the subsequent Montreal Additional Protocols. Reference must also be made to the airwaybill Conditions of Contract and the specific conditions imposed by any particular carriers.

Understanding the circumstances in which the various conventions apply and the applicability and scope of the appropriate applicable liability regime is crucial for determination of disputes.

### Rail Transport

COTIF 1980, arguably the most comprehensive of the transport conventions containing CIM, was ratified by Ireland in 1986 and provides a uniform regime for the carriage of goods by rail in circumstances where a consignment note is issued. For European rail transport the European regulations for the carriage of goods by rail in Europe (RID) form part of CIM.

Our transport team has advised on the application of the regime in circumstances where other modes of transport have been utilised, in particular sea carriage but on listed line under Article 1.1 of the Convention. We have also been involved in disputes regarding conforming consignment notes under the Convention and issues regarding the evidential role of the consignment note.

### Marine Transport

Our maritime team provides a comprehensive maritime law service at a contentious and non-contentious level. It regularly assists with the drafting of Charterparties, Bills of Lading and Contracts of Affreightment.

We have experience in a full range of disputes that arise under these contracts and all other aspects of the carriage of goods by sea, be it advising on the application of the Hague, Hague-Visby Rules (and in limited cases the Hamburg Rules), the shipment of dangerous goods or limitation of liability and other issues that may impinge upon cargo owners/carriers from time to time such as general average and salvage, shipment of dangerous goods, detentions and delays.

### Conclusion

The transport of goods involves complex areas of law by virtue of the number of different modes of transport available and the fact that different rules govern each different form. To provide a full transportation service requires knowledge of the plethora of conventions applicable to each different form of transport, applicable European rules and a fundamental appreciation in itself of the different transportation industries.

Mason Hayes+Curran's transport team has the breadth of experience and a wide appreciation of the transport industry and as such is ideally placed to assist clients on all transportation law issues. The team's extensive knowledge of the laws applicable to the different forms of transport, the terms and conditions regularly utilised by users in the industry enables the team to provide clear precise advice both on the drafting of appropriate transportation contracts and also on disputes that may arise.

We can provide quick, cost-effective and practical advice enabling our clients to continue with their business with minimal disruption to ongoing commercial relationships.

To find out more about how the Mason Hayes+Curran transport team may assist you and your business, please do not hesitate to contact us.



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