Development of the bill of lading: its future in the maritime industry

Abstract
This Thesis will consider the development of the traditional bill of lading from its origins, which appear to be much older than previously considered, up to the present day. The development of the bill of lading will be examined in order to answer basic questions: what is a traditional bill of lading, and what functions does it perform. In Part I of the Thesis the development of the three main functions of the traditional bill will be considered, namely receipt, contract, document of title. It will conclude with observations on the nature of the traditional bill of lading and how it differs from the early form of the bill of lading. Part II of the Thesis will then consider the development and nature of related shipping documents (charterparty bills, received for shipment bills, non-transferable bills), how far these documents perform the functions of the traditional bill of lading, and whether they can be truly described as bills of lading. Part II will then go on to consider the development and nature of electronic bills of lading and assess how well such bills perform the functions of the traditional bill of lading. The Thesis will conclude that although most of the functions of the traditional bill are in effect performed by electronic bills, electronic bills are in fact a new type of bill of lading and not merely a traditional bill in an electronic format. Conclusions will then be drawn as to what effect the development of new types of bill of lading will have on the future of the traditional bill of lading in the maritime industry.

Description
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Subsequently the bill of lading was invented in the 13th century and its functions were gradually created by the practical needs of substantial and tangible evidence of contract for all primary parties (i.e. shipper, carrier and consignee) alongside technical development over time. It’s also widely accepted that Italy is the birthplace of the bill of lading, because of the growing economies of the Italian city states due to the sea commerce between Italy and the Roman Empire in Constantinople. Its first copy was written in 1564. The rules were amended in London at a CMI (Comite Maritime International) conference in 1922. Agitation for legislative action on the lines of rules was held in Brussels 1922. The functions of the negotiable bill of lading, as a receipt for the goods, as evidence of a contract and as a document of title were highlighted. The experts discussed the advantages and disadvantages of the use of the bill of lading in international trade. Difficulties, as well as costs associated with the use of bills of lading have led to calls by the international community1 for the increased use of non-negotiable transport documents such as seawaybills, in particular whenever there is no intention to transfer ownership of the goods while in transit. 4. The UNCTAD secretariat developed a questionnaire, which was widely circulated to the industry. The questionnaire was divided into three parts.