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BIMCO New Hull Fouling Clause 2019

BIMCO's Hull Fouling Clause for Time Charter Parties was first developed in 2013 to transfer hull cleaning obligations to charterers in certain circumstances.

The Clause has been revised in 2019 to address feedback on the use of the clause and to improve clarity. A number of amendments have been made, amongst which perhaps the most important is subclause (a) which has been amended with additional words to clarify that the ship can remain not only within a port or alongside a berth, but also at any "place" including waiting areas outside port limits.

The revised wording also now excludes any "shifting" of the ship during the waiting period that is not of sufficient speed and duration to remove any fouling that has happened during the wait. This means that allowing the ship to sail around the harbour or immediate vicinity for just a few hours at a reduced speed would not be enough to "reset" the clock for the suspension of the performance warranty.

The wording in subclause (a) has been expanded to clarify that it is the speed and duration of a sea passage and its effect on the removal of marine growth that will impact on the counting of aggregate waiting time.
The text of the Clause and the accompanying explanatory notes are available here Hull Fouling Clause For Time Charter Parties (by kind permission of BIMCO). More details on this and a wide variety of other clauses and forms can be found on the BIMCO website.

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