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New BIMCO Force Majeure Clause for 2022



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BIMCO have recently published their “Force Majeure Clause 2022” which is available for incorporation into shipping agreements. Force majeure events are typically both unexpected and challenging and the clause rightly seeks to encourage communication and cooperation between the parties with termination very much as a last resort option.

This BIMCO clause addresses how the parties may deal with unforeseen circumstances which are likely to affect contractual performance and Members should bear in mind that, under English law, Force Majeure provisions will not be implied into contracts (including charter parties). It is therefore important that Members consider whether to incorporate the BIMCO Force Majeure Clause 2022 into their contracts and, if so, what the implications are for the remaining provisions of their contracts, adapting the wording as appropriate. For example, where Members have incorporated BIMCO’s Infectious or Contagious Diseases clause 2015 (which is currently under review) and/or BIMCO’s War Risks Clause 2013, Members should be aware that these focused clauses are likely to override the provisions of the Force Majeure Clause 2022.

If Members have any questions they are encouraged to contact their usual Defence claims contact.