

BBB. Bareboat Charter Parties: main terms, clauses and forms.

A. Introduction

1. The charterer leases the vessel from the owner and takes full control and management of the vessel, appointing the Master and crew. The charterers provide stores, bunkers and undertake repairs, insurance and dry docking.
2. Under a bareboat charter, charterers pay:
 - a. Hire (monthly, in advance);
 - b. Master, officers and Crews;
 - c. Lubricating oils and boiler water;
 - d. Provisions and stores;
 - e. Repairs (except for latent defects);

Latent defect: something that is not discoverable by reasonable diligent examination.

Once the charterer takes the vessel, all the warranties, the warranty of seaworthiness and everything else fall on the charterer. The owner has the obligation of the warranty of delivering a seaworthy vessel at the beginning of the charter, after that, the warranty of seaworthiness belongs to the charterer. However, in case of latent defects which might show up after the vessel had been delivered to the charterer, for this, the owner would still be responsible.

租船人負擔船舶船級之維持及適航性

因此如果不是因為交船前與交船時存在的隱藏瑕疵(inherent vice)造成船舶無法營運，租船人不得因船舶故障而主張離租(off hire)，船東得享有租船人給付全年 365 或 366 天的租金。

- f. Hull and machinery insurance (the owner is beneficiary for the total loss of the ship);
- g. P & I insurance (Protection and Indemnity insurance);
- h. Voyage expenses : if and when the charterer charts the vessel out in voyage charters.

From Item a ~ h, we can infer that

➔租船人負擔除折舊費用與船舶貸款之還本付息(船東支付)以外的所有成本與費用

➔船東須負擔折舊費用、利息費用、公司管理費用與船舶貸款的還款。

i. 載貨證券的簽發：

①船長，②空船租賃租船人，③經前二者授權之代理行

j. 運送人之責任：租船人負擔

k. 相對地，請思考 Bareboat charterers 的成本計算！

l. Bareboat charters: a financial instrument !

通常是航商取得船舶營運的方式之一 ==> *以租代購；*售後回租。

為(財務或營運)租賃合約，通常是長期性質，租期甚或至船舶使用年限截止

例如，①租船人：石油公司、貨櫃航運公司；②船東：德國 KG 或挪威 KS 基金公司如 König & Cie, Flotten- Fonds, Dr Peters GmbH