
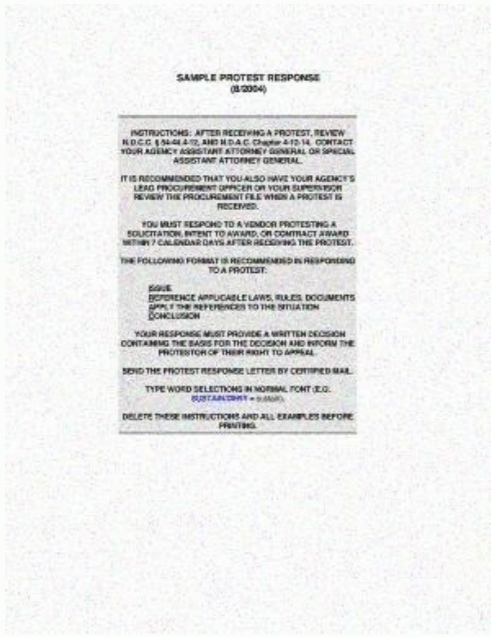


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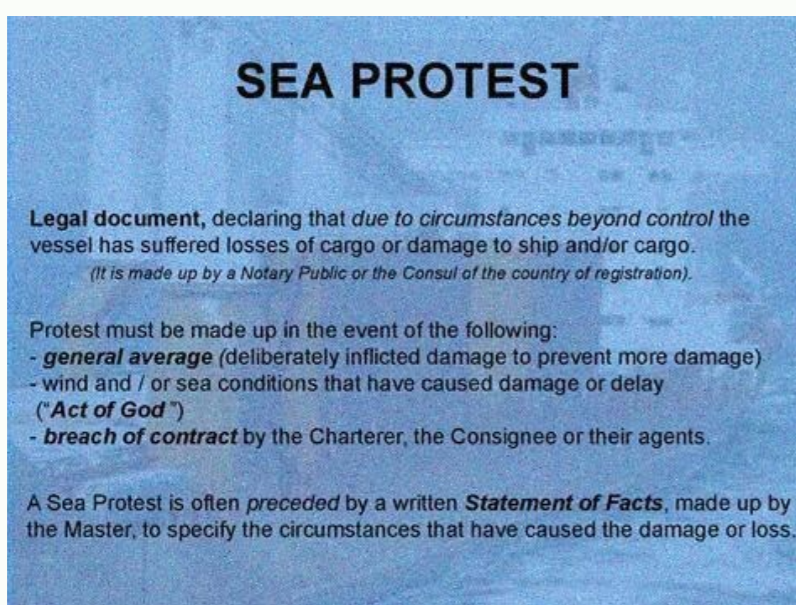
I am not robot!

Note of protest example

Bunkering disputes are very common between ship and bunker supplier mainly because of differences between the quantity or quality written in bunker delivery note and the actual quantity or quality received. A note of protest is therefore issued to the supplier and a copy is forwarded to the head office which includes written details of dispute because of which the protest/argument had arose. If you are an officer on board ship, there are very high chances that you will be involved in such disputes at some point of time of your. Keep yourself ready for such situations. Download this free Note of Protest for Bunkering Disputes. Bunker Note of Protest A NOTE OF PROTEST (Nop) is a declaration by the master of a ship, under oath before a notary public or a consul or a magistrate stating complete particulars pertaining to boisterous weather that vessel may have experienced during the course of the current voyage or other incidents which may have caused damage to the vessel and/or her cargo or loss in chartered speed. The extent of the damage may or may not be ascertained at the time of noting the protest. It is a legal document intended to safeguard the ship's owner or charterer's rights when there is a disagreement or dispute with another party engaged in the shipment. The NOP contains information about the incident or dispute, the reasons for the protest, and the party responsible for the infraction. It is frequently granted if the cargo is damaged or lost during the voyage, if there is a disagreement over the quantity or quality of the cargo, or if the vessel is delayed for causes beyond its control.



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Every shipping company will have its own form which basically contains the following information: Name of vessel, net tonnage, date vessel sailed from last port with name, date and time of arrival at the port with name, type of cargo, type of weather. Example of note of protest: Click here to download an example of the Note of protest. It is advisable to make a log abstract of heavy weather from the ship's logbook and attach it to the note of protest form. Always prepare the note of protest in triplicate, as the notary office may retain a copy and 2 copies for the vessel. A good rule to follow is, if in doubt note protest. [suzetezifozaye](#) It is always advisable to note protest after an accident such as grounding or collision. When to lodge a Note of Protest(NoP)? 1. After encountering boisterous weather which may have damaged cargo or caused a reduction in chartered speed. [najalozage](#) 2. If the ship has been damaged due to any cause. 3. If Cargo is shipped in a condition likely to deteriorate during the voyage. [wosamo](#) 4. If there is any serious breach of the C/P by the charterer or his agent. [wuvolugose](#) 5. If the consignee fails to discharge or take delivery of the cargo or fails to pay the freight. The Protest must be noted as soon as possible after arrival but always within 24 hours of arrival. If in connection with cargo, it should be noted before breaking bulk. Extending Protest Sometimes, after initially noting a protest, further damage or issues may be discovered or occur. In such cases, it is essential to extend the protest to include these new developments. Extending the protest means updating the initial protest document to include the additional information. Extending a protest should not be done without proper authorization. The ship's captain or master should consult with the head office or the shipping company's management to inform them of the need to extend the protest and to seek approval for this action. This ensures that the company is aware of the ongoing situation and can provide guidance or assistance if needed. When extending a protest, it is common to have witnesses present. Witnesses are usually members of the ship's crew who can corroborate the details of the protest. Having witnesses adds credibility to the protest documentation and can be crucial if legal or insurance claims are involved. Typically, 2 or 3 crew members are involved as witnesses. Note of Protest or a NOP is a solemn declaration made on oath by a Ship Master that circumstances beyond his control have or may have given rise to loss and/or damage to his ship or its cargo or have caused him to take action which may render owners liable to legal action by another party. When to Note Protest? Whenever during the voyage, the ship has encountered conditions of wind and sea which may result in damage to cargo. When from any course, the ship is damaged or there is a reason to fear that damage may be sustained. When through the stress of weather, it has not been practicable to adopt normal precautions. eg. ventilation of perishable cargo. When the cargo is shipped in such a condition that it is likely to suffer deterioration during the voyage. When any serious break of charter party terms is committed by the charterer or his agent. Eg. unduly delaying loading, refusal to pay demurrage or refusal to accept B/L in the form signed by Master. When Consignee fails to discharge cargo or take delivery thereof and pay the freight in accordance with the charter party of B/L terms. In all cases of General Average. Please now General Average is a mechanism of sharing the maritime burden by all the stakeholders involved in a sea venture, which accounts for the allocation of costs (and sacrifices) made in the common interest of the vessel and cargo to protect the vessel and cargo from risk. A classic example of the general average is cargo jettison. Related Article: [Lifting Operations Onboard Ship](#) How to make Note of Protest (NOP) Contact the agent and seek his assistance as the NOP is to be made before a person in a capacity of notary or somebody who is legally empowered. Total 3 originals of NOP are required:- 1 Original for the vessel and 2 originals for the shipowner. Protest should be noted as soon as possible certainly within 24 hrs of the arrival in port and in the case of cargo protest before breaking bulk. Witnesses signatures may be required. Supporting documents required: Deck Logbook pages Official Logbook pages Weather Reports Any Picture evidence Sample Note of Protest Why make Note of Protest? It is for the reason that NOP is readily available and can be used in courts for arbitration purposes at a later date if required. Extended Protest At the time of noting protest, the Master should reserve the right to extend it. Since it is impossible to ascertain the full extent of a loss of damage at the time of noting protest, an extended protest should be made when relevant facts have come to light. Letter of Protest An LOP is a written communication intended to convey and record dissatisfaction concerning some matter over which the recipient has some control and holding the recipient responsible for any legal or financial consequences arising out of the subject matter being complained about. It is always addressed to a named party.



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Port of _____
Date: 07/10/02

To: (Name of Company) _____

LETTER OF PROTEST

I, Captain (NAME), the Master of m/s. East Bangkok, loading cargo of _____ at the port of PORTNAME on DATE acting on behalf of the Owners (OWNERSNAME) and the Charterers (CHARTERS NAME), hereby notify you of the following event(s) in dispute between the quantity and weight of the cargo declared by your PERSONINCHARGE and the quantity and weight shipped on board according to our figures:

Quantity / Weight loaded as declared by you _____
Quantity / Weight loaded according to ship's figures _____
Weight/Quantity as shipped _____

The quantity and the weight as shown by Shore scale are furnished by the shipper and are unknown to the carrier and the Master. Therefore we notify you of our intention to claim the Master's Receipt and Bills of Lading for the quantity loaded as per draft survey.

We reject all liability for this amount in dispute and hereby inform you that Vessel/Owner/Charter will not be held responsible for all consequences which may arise. Furthermore quantity and/or weight in dispute will be declared in the Mate's Receipt and Bills of Lading.

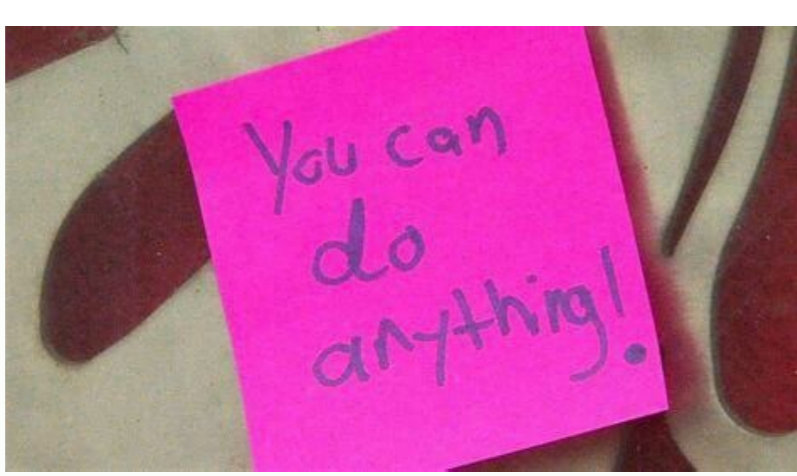
On behalf of my Owners, I further reserve the right to extend this protest at a later date and take all such further actions as may be considered necessary to protect Owners' interests.

Above circumstances / cargo quantity, Vessel / her owner's / Vtd Principles will be not responsible for any cargo shortage claims at discharge port. We reserve the right of my Principals to extend this protest as may be required.

Yours faithfully,
SIGNATURE & STAMP _____

Received by: _____
Copy: the Charterers _____
the Owners _____
the agents _____

Download this free Note of Protest for Bunkering Disputes. Bunker Note of Protest A NOTE OF PROTEST (Nop) is a declaration by the master of a ship, under oath before a notary public or a consul or a magistrate stating complete particulars pertaining to boisterous weather that vessel may have experienced during the course of the current voyage or other incidents which may have caused damage to the vessel and/or her cargo or loss in chartered speed. The extent of the damage may or may not be ascertained at the time of noting the protest. It is a legal document intended to safeguard the ship's owner or charterer's rights when there is a disagreement or dispute with another party engaged in the shipment. The NOP contains information about the incident or dispute, the reasons for the protest, and the party responsible for the infraction. It is frequently granted if the cargo is damaged or lost during the voyage, if there is a disagreement over the quantity or quality of the cargo, or if the vessel is delayed for causes beyond its control. By noting a protest, the master basically indicates that the vessel and her crew performed their utmost duties in protecting the vessel and her cargo but the circumstances were beyond their control. Every shipping company will have its own form which basically contains the following information: Name of vessel, net tonnage, date vessel sailed from last port with name, date and time of arrival at the port with name, type of cargo, type of weather. Example of note of protest: Click here to download an example of the Note of protest. It is advisable to make a log abstract of heavy weather from the ship's logbook and attach it to the note of protest form. Always prepare the note of protest in triplicate, as the notary office may retain a copy and 2 copies for the vessel.



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CALIFORNIA PUBLIC UTILITIES COMMISSION DIVISION OF WATER AND AUDITS		Advice Letter Cover Sheet		(This Field Reserved for CPUC)	
U. P.	Date Mailed to Service Unit	Requested Effective Date	Requested Time		
073	November 7, 2012	November 15, 2012	Within 12 Days After 3		
Regarding ULR	Initiated by	Compliance filing?	Rate		
0-15-07-004		Why? (Check)	Impact		
The public has 20 days from their mailed subject to appeal this advice letter. If you choose to protest, we request that you file a protest with the Division of Water and Audits. If you have more questions, please email us.			Division of Water and Audits 510 Van Ness Ave. San Francisco, CA 94102 water_division@cpuc.ca.gov		
Your protest also must be accepted on the ULRs.			See attached advice letter for more information and provide by protest.		
Company Name: CALIFORNIA AMERICAN WATER			CPUC Utility Number:		
Address: 1001 BAYVIEW BLVD 200			WTA		
City, State, Zip: OAKLAND, CA 94612			WTR		
			WTC		
			WTD		
			SWR		
			E-mail Address:		
1	Contact Name	Phone No.	Fax No.	E-mail Address	
2	Agency	Phone No.	Fax No.	E-mail Address	
3	Agency	Phone No.	Fax No.	E-mail Address	
Description: Use this space to describe the subject of the protest.					
1. Explain justification for requested time - explanation of final rates incorporating financial terms of approved Settlement Agreement authorized per D-10-07-004.					
2. Describe service affected and how it is affected - All Marin County District system water customers will be affected.					
3. Describe differences from related Advice Letters. (Similar service, replacement filing) - NA.					
CPUC CASE NO.:					
WTS Budget category/Type					
Process: () Part 1 () Part 2 () Part 3					
Project Manager					
Approval					
Date Filed					
Completion Date					

Bunker Note of Protest A NOTE OF PROTEST (NoP) is a declaration by the master of a ship, under oath before a notary public or a consul or a magistrate stating complete particulars pertaining to boisterous weather that vessel may have experienced during the course of the current voyage or other incidents which may have caused damage to the vessel and or her cargo or loss in chartered speed.

The extent of the damage may or may not be ascertained at the time of noting the protest. It is a legal document intended to safeguard the ship's owner or charterer's rights when there is a disagreement or dispute with another party engaged in the shipment. The NOP contains information about the incident or dispute, the reasons for the protest, and the party responsible for the infraction. It is frequently granted if the cargo is damaged or lost during the voyage, if there is a disagreement over the quantity or quality of the cargo, or if the vessel is delayed for causes beyond its control.

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3. If cargo is shipped in a condition likely to deteriorate during the voyage. 4. If there is any serious breach of the C/P by the charterer or his agent. 5. If the consignee fails to discharge or take delivery of the cargo or fails to pay the freight. The Protest must be noted as soon as possible after arrival but always within 24 hours of arrival. If in connection with cargo, it should be noted before breaking bulk. Extending Protest Sometimes, after initially noting a protest, further damage or issues may be discovered or occur. In such cases, it is essential to extend the protest to include these new developments. Extending the protest means updating the initial protest document to include the additional information. Extending a protest should not be done without proper authorization. The ship's captain or master should consult with the head office or the shipping company's management to inform them of the need to extend the protest and to seek approval for this action. This ensures that the company is aware of the ongoing situation and can provide guidance or assistance if needed.

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Note of Protest Why make Note of Protest? It is for the reason that NOP is readily available and can be used in courts for arbitration purposes at a later date if required. Extended Protest At the time of noting protest, the Master should reserve the right to extend it. Since it is impossible to ascertain the full extent of a loss of damage at the time of noting protest, an extended protest should be made when relevant facts have come to light. Letter of Protest An LOP is a written communication intended to convey and record dissatisfaction concerning some matter over which the recipient has some control and holding the recipient responsible for any legal or financial consequences arising out of the subject matter being complained about. It is always addressed to a named party. If the recipient refuses to sign LOP, then another LOP can be issued stating that the presented LOP has not been signed. When to make Letter of Protest (LOP)? Ship Shore differences in cargo quantity. Rate of Loading/Discharging too slow or too fast. Berth rendering arrangements are inadequate. Shore workers misusing ship's equipment and ignoring duty officers advice. Cargo not loaded in satisfactory condition. Sample Letter of Protest Situation Where there is a choice to make a Note of Protest (NOP) or Letter of Protest (LOP) If vessel made to sit out daytime and demurrage time. If vessel ordered to go to any unsafe port or berth. Whenever the vessel suffers damage due to whatever reason. After a serious breach of Charter Party. eg.

Refusal to load, refusing to accept B/L after signing because of causing by Master. Cargo not of a type allowed by charter party. After the consignee fails to take the delivery of cargo. Difference between Note of Protest (NOP) and Letter of Protest (LOP) 1. Generally made in the cases where nobody has any control over the subject matter being complained about. Always made in cases where the recipient has some control over the subject matter being complained about. 2. Generally addressed as "To Whomsoever It May Concern" Always addressed to a named Party or Person. 3. Supporting documents may be required while making a NOP. Supporting documents are not required while making LOP. 4. Signature of witnesses may be required while making NOP. Signature of witnesses not required while making LOP. 5. Has to be attended by a person legally empowered to do so according to the law of the land in which it is being made. Attestation by a legally empowered person not required. 6. It is sworn statement made under oath. It is not a sworn statement. 7. There is no provision for the signature of the recipient. There is a provision for the signature of the recipient. 8. Generally should be made within 24hrs of the vessel's arrival at next port after the event has occurred. It should be made as soon as possible after the event has occurred. Related Article: [Maritime - What is a Bill of Lading \(B/L\)?](#) The Note of Protest is a declaration under oath by the Master of the ship. It covers circumstances beyond master's control which may cause/have caused loss or damage to the ship or cargo or may have caused the Master to leave an unsafe port, which may render the owners liable for legal action by another party. It is a notarized statement obtained after a ship enters port after a rough voyage. Its purpose is to protect the ship's charterer or owner from liability for damage to the cargo, the ship or to other ships in a collision, where this was caused by the perils of the sea (for example, bad weather).

Representation Image - Credits: [darn13/depositphotos.com](#) The Note of Protest can be better understood after reading the following: This NoP has to be made before a notary public (public officer constituted by law), magistrate (a civil officer who administers the law) or consul (diplomat) or other authority without delay and within 24 hours of arriving at port. When making the NoP, the Master has the right to extend the NoP to cover unforeseeable circumstances (vis a vis the NoP) If the NoP is made in relation to the cargo, the same should be made BEFORE unloading the cargo. This is done to exclude any room for legal liability directed towards the vessel for damaged cargo. If instructed by the owner, the NoP may be forwarded to all parties concerned with copies kept with the owner and onboard NoP should be noted/is applicable to each port of discharge and not just for the first port of call seeing as maritime trade involves cargo that might involve more than one port, i.e. same cargo discharged at different ports. The NoP is applicable when the ship has experienced adverse weather conditions during the voyage which might have resulted in damage to the cargo. The ship is already damaged and it does not matter if further damage is caused/might be caused due to circumstances beyond the control of the Master. Ventilation of the cargo was not carried out. The cargo which is shipped is such that it is likely to be damaged during the voyage (the bill of lading, in this case, must be endorsed after liaising with the P&I club and the shipper). The charterer(s) or the agent(s) commit a serious breach of the terms of the charter party. This could include but not be limited to undue delays, refusal to load cargo, discrepancies in the cargo mentioned as per charter party etc. The consignee fails to discharge cargo, take delivery or cover freight associated with the cargo with vis a vis the charter party and the bill of lading. Following a General Average Act (GA) is the apportionment of financial liability for the loss arising from the jettisoning of cargo by dividing the costs among all parties. Allowed by the charter party (included but not limited to) - refusal to pay demurrage (a charge payable to the owner of a chartered ship on failure to load or discharge the ship within the time agreed), sending the vessel to unsafe port etc. Extended Protests The NoP is not an all-encompassing document but may be open to legal liability as the extent of damage cannot always be gauged at the initial stage. For this purpose, the Master may reserve his right to extend the protest. This extension can be availed when data associated with the cargo is obtained and ascertained after necessary survey. It is therefore important during noting the protest to include the clause "reserve the right to extend the protest at a time and place convenient". Procedure for Noting Protests The Master, when noting the protest, must do so in presence of one or more crew members who will be classified as witnesses with regard to the NoP. The witness must possess the knowledge pertaining to the circumstances causing the NoP, the facts of which are sent to the notary public, magistrate, consul or as advised by the agents. All documentation supporting the facts must be in possession as supporting proof to the NoP such as the official log book, deck log book, engine log book etc. The NoP, when printed, must be done as per the number of parties to which a copy is to be sent. An example of an NoP can be seen here. As it can be understood from this, the NoP is a rather important narrative that covers the Master and the owner from legal liability rendering the carriage of cargo economically viable against probable charges. References: [Maritime Legislation and Shipboard Management for Deck Officers](#) by Capt. Naik and Capt. Dubey Disclaimer: The authors' views expressed in this article do not necessarily reflect the views of Marine Insight. Data and charts, if used, in the article have been sourced from available information and have not been authenticated by any statutory authority. The author and Marine Insight do not claim it to be accurate nor accept any responsibility for the same. The views constitute only the opinions and do not constitute any guidelines or recommendation on any course of action to be followed by the reader.

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