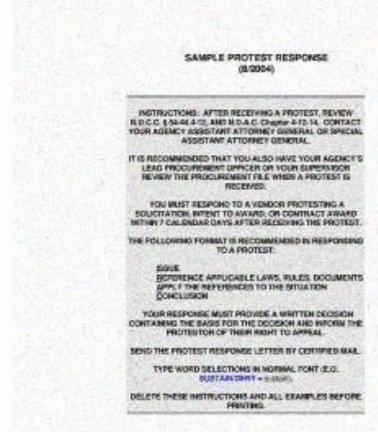


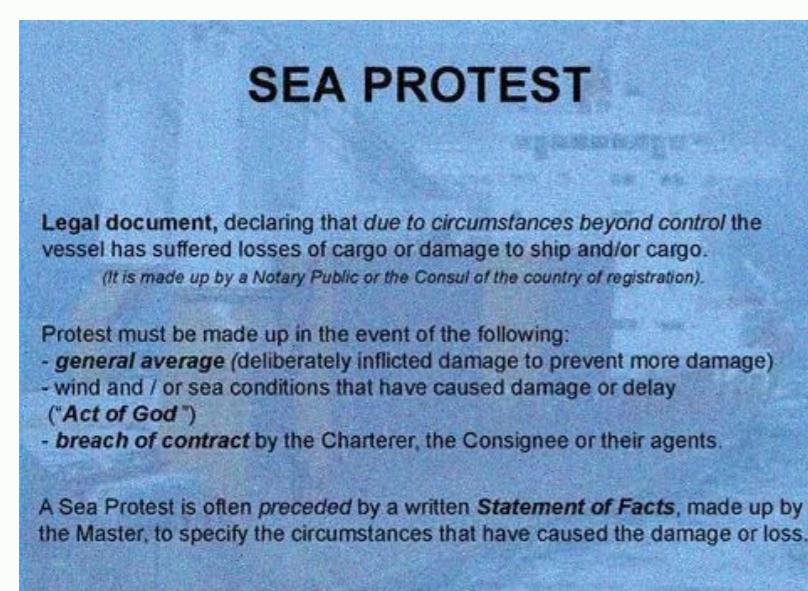
I am not a robot!

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. **suzezefizoyave** 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. **wuwulugose** 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 b 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 ShipHow 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 rotary 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 pagesOfficial Logbook pagesWeather ReportsAny Picture evidenceSample Note of ProtestWhy 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 ProtestAt 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 ProtestAn 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: 07/01/02

To: (Name of Company)

LETTER OF PROTEST

I, Captain (NAME), the Master of m.v. East Bunglo, loading cargo of _____ at the port of PORTNAME on DATE acting on behalf of the Owners OWNERSNAME and the Charters CHARTERSNAME, hereby notify you of the following: _____

Quantity / Weight loaded as declared by you _____

Quantity / Weight loaded according to ship's figures _____

Weight/Quantity as declared _____

The quantity and the weight as shown by Shore scale are furnished by the shippers and are unknown to the carrier. We therefore request you to make our information to draw the Master's Receipt and Bill 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/Charters will not be held responsible for any damage which may arise. Furthermore quantity and/or weight in dispute will be determined in the Master's Receipt and Bill 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 Owner's interests.

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

Yours faithfully

SIGNATURE & STAMP

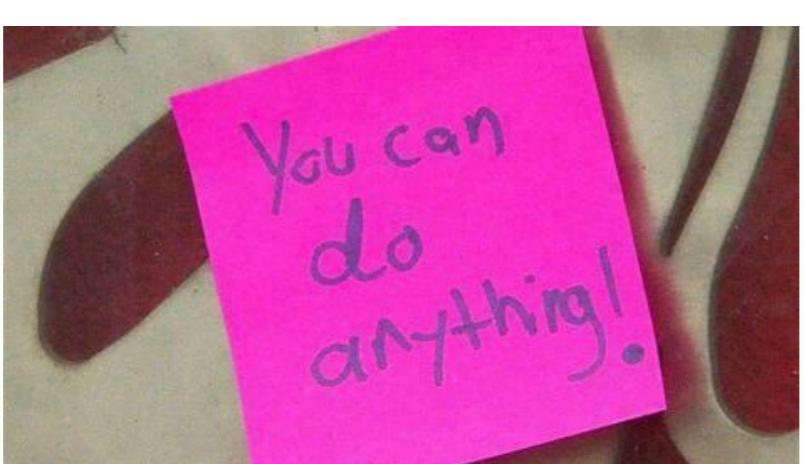
Received by:

Copy: the Charters
the Shippers

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		(Date Filed/Received Stamp by CPUC)	
AL/P 9773	Date Notified to Service/Last November 7, 2012	Requested Effective Date: November 13, 2012	Requester Name: Water and Audits
Requesting AL#: D-12-07-001	Authorized By: Kathy L. Chiodi	Rate: \$ 1,274,240	Impact: 2.6%
The public notice below may be filed with the California Public Utilities Commission or the California Water and Audits Division, 1415 Broadway, Suite 1000, San Francisco, CA 94102, and if you have email capability, also email to: water_and_audits@cpuc.ca.gov			
Your protest letter must be served on the utility. You attached advice letter for more information and grounds for protest.			
Company Name: CALIFORNIA AMERICAN WATER Address: 101 BAYSHORE, SUITE 200 City, State, Zip: REDWOOD CITY, CA 94063		CPUC Utility Numbers: WTA WTA WTC WTD SWA	
Contact Name: Stacey Parker	Phone No.: (650) 425-7458	Fax No.: (650) 425-7404	Email Address: stacey.parker@caaw.com
Contact Name: Monica Ali	Phone No.: (925) 689-4298	Fax No.: (925) 689-4299	Email Address: monica.ali@caaw.com
Description (Up to this space or on the back of this form): 1. Explain justification for requested Tier – application of tiered cost accounting financial terms of agreement and how it is affected – All Monterey County District system water customers will be affected. 2. Describe service affected and how it is affected – A good rule to follow is, if in doubt, note protest. 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 charted speed. 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. 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. When extending a protest, it is common to have witnesses present. 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Letter of ProtestAn 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 ProtestSituation 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: dam13/demotiphotos.com The Note of Protest can be better understood after reading the following: This Note 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 Note, the Master has the right to extend the Note to cover unforeseeable circumstances (vis a vis the Note). If the Note 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 Note may be forwarded to all parties concerned with copies kept with the owner and onboard. Note 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 Note 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 undelays, 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 a 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 Note 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 Note. The witness must possess the knowledge pertaining to the circumstances causing the Note, 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 Note such as the official log book, deck log book, engine log book etc. The Note, when printed, must be done as per the number of parties to which a copy is to be sent. An example of an Note can be seen here. As it can be understood from this, the Note 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.			

File #07-04258

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 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. 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. 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