

Changes to BIMCO's BARGEHIRE contract

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If you have read my recent article "*Are you up to speed with BIMCO's new TOWCON and TOWHIRE contracts?*" you will know that the start of 2021 has seen BIMCO make some updates to its standard contracts. BIMCO has also updated its standard BARGEHIRE, which hasn't been updated since 2008.

You can find the new version of the BARGEHIRE on the BIMCO website (link: <https://www.bimco.org/contracts-and-clauses/bimco-contracts/bargehire-2021>) and also via your SmartCon feature on Word.

So, the BARGEHIRE is a bareboat charter that is designed for unmanned, non-self-propelled seagoing barges and the BARGEHIRE 2008 has also undergone some significant changes to update it, modernise it and bring it into line with the commercial practices of its users. But what are the key changes? The key changes to the new BARGEHIRE 2021 are:

- the Charterer is now required to take out P&I cover by default - Clause 16(a);
- many of the clauses have been rearranged to make the contract more user friendly and easier to read and understand. You will notice that the contract now follows the sequence of events;
- the new clause 9, *Trading Area, Employment and Excluded Cargoes*, which now includes all provisions in the BARGEHIRE that limit the Charterer's trade of the barge. Previously, in BARGEHIRE 2008 these provisions were spread over clauses 8 and 9 – Clause 9;
- the new clause 14, *Ballasting Operations* now includes both clauses 14 and 19 from the BARGEHIRE 2008 and so brings these similar and related matters together in the contract – Clause 14;
- the provision that the Charterers remain responsible for all costs related to restoring the barge to an acceptable condition (regardless of whether the contract has expired or been terminated early) has been made clearer and easier to understand - Clause 12(d);
- BARGEHIRE 2021 provides clarity that charterers must redeliver the barge in the same or as good structure, state and condition as on delivery; and
- improvements have been made to the provisions for redelivery of the barges – BARGEHIRE 2021 now deals with Redelivery, Early Redelivery and Late Redelivery consecutively in the contract – which makes it easier to read.

So, now you are up to date with the changes to the new BARGEHIRE 2021. If you have any questions about the changes, please do not hesitate to contact us on 1300 797 627 and we would be very happy to provide further guidance.