



# SEMAPHORE

Newsletter of the Maritime Law

Association of Australia and New Zealand



## New UK Law Will Affect Electronic Bills of Lading

Electronic bills of lading will be impacted by the recently-introduced British Electronic Trade Documents Act, which gives legal recognition in English law to electronic trade documents, warns the United Kingdom (UK) P&I Club.

The Act was preceded in 2022 by the UK Law Commission's Report on Electronic Trade Documents, which was the culmination of an extensive consultation process with stakeholders, including the UK P&I Club.

The Act reflects the recommendations of the Law Commission that the law should be reformed so that certain electronic trade documents, including electronic bills of lading, can assume the same legal recognition and functionality as their paper counterparts.

The UK P&I Club has welcomed this significant legislative development, which comes soon after the adoption by Singapore of similar legislation, in the form of the Singapore Electronic Transactions (Amendment) Act 2021.

Both sets of legislation meet the requirements of the Model Law on Electronic Transferable Records (MLETR), a uniform model law adopted by the United Nations Commission on International Trade Law (UNCITRAL) in 2018.

UK P&I Club rules provide that liabilities arising in respect of the carriage of cargo under paperless trading systems are covered, provided that the system has first been approved by the group.

Since 20 February 2010, the group has approved ten electronic systems and is now reviewing its approach to electronic bills of lading in light of the Act.

At the same time, it is continuing dialogue with industry stakeholders to assist in managing the transition from a private contractual environment to one recognised under national laws, which will serve for the benefit of the wider international shipping and trade community.

December 2023

