

FREIGHT FORWARDERS

BY

D. J. HILL, LL.M., PH.D., ASSOC. INST.T.,
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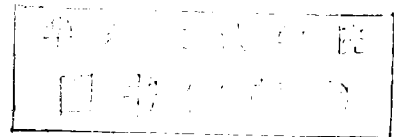
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D. J. Hill

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PREFACE

THE field of transportation is one of ever increasing complexity in the modern world, particularly with the advent of containerisation. Much of the commercial activity in this field has for long been channelled through a wide range of intermediaries of whom singularly little has been written. In an attempt to fill this gap this book has been written.

Wherever possible I have tried to place the law within its commercial framework rather than to squeeze trade practice into a legal framework in which it is often ill at ease. The common law countries of the Commonwealth have been treated as one single jurisdiction on the grounds that the forwarding trade is no respecter of jurisdiction and no real pattern of relationships can be otherwise established. American law and practice has been referred to where relevant, although no attempt has been made to deal with it in depth as it is the subject of a book in itself, owing to the vast amount of statute law and cases on the subject.

To a limited degree reference has been made to Continental civil law although again it is impossible to do justice in a limited space. Discussion has therefore been restricted to the important questions of status and secured rights over goods for non-payment. The question of status is of importance in relation to the freight forwarder owing to the concept of the contract of commission in civil law systems. Similarly under the civil law, complex systems of rights of preference and retention exist which find no exact parallel at common law.

In writing this book it has been necessary to bring together many diffuse threads of law and practice from many countries. I would therefore like to express my profound gratitude to the forwarders, lawyers and trade associations throughout the world without whose assistance this book would not have been possible. In particular I would like to thank the following for the painstaking assistance they have given me in my work:

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As a footnote I would add that I have endeavoured to incorporate available materials in this rapidly developing subject to date. However two books have been drawn to my attention at the time of going to press which are worthy of note—Rodière, *Traité général de droit maritime*, Volume 3, Dalloz, Paris, 1970, and Giles, *Uniform Commercial Law*, Sijthoff, Leyden, 1970.

D. J. HILL.

Nairobi,
November, 1971.

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