



# DEFENCE COVER

SUPPORTING OWNERS, OPERATORS, CHARTERERS  
AND TRADERS WITH A COMPREHENSIVE INSURANCE  
AND SERVICE PACKAGE TAILORED TO MEET THEIR  
NEEDS IN DAY TO DAY OPERATIONS



COMPREHENSIVE  
AND FLEXIBLE  
RISK SOLUTIONS

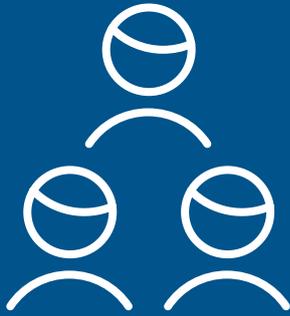


A PROACTIVE AND  
CARING APPROACH  
TO CLAIMS HANDLING



DEEP MARITIME  
AND LEGAL  
EXPERTISE

IN A WORLD OF INCREASING COMPLEXITY,  
GARD'S OBJECTIVE IS TO HELP OUR MEMBERS  
AND CLIENTS MANAGE THE TOTALITY OF  
THEIR EXPOSURES – BOTH TO EXISTING AND  
DEVELOPING RISKS.



ONE OF THE LARGEST  
LEGAL TEAMS IN THE  
INDUSTRY



LEGAL RESOURCES IN  
ALL TIME ZONES



EACH CLIENT  
ASSIGNED  
A GARD LAWYER

As a multi-line insurer – with the strongest rating in the marine market – Gard is uniquely positioned to understand how risks fit together, and identify the best choice of products, ensuring seamless coverage and service.

Innovation has always been a cornerstone of Gard's business model and, over the years, we have refined and extended our standard products and introduced a range of additional products, responding to special needs and requirements from different parts of the marine industry.

Gard's Defence cover insures shipowners and charterers for legal and other costs incurred in establishing and defending claims arising out of the commercial operation of a ship or a Mobile Offshore Unit where these risks are not covered by any other marine insurance such as P&I or Hull & Machinery.

Defence cover also offers our Members and clients access to "best in class" Defence claims handling and legal advisory services from our dedicated team of specialized Defence lawyers.

Further information can be found on our webpage ([www.gard.no](http://www.gard.no)) under "Products", or from your usual contact.

# FLEXIBLE AND ADAPTABLE

## A COVER TO SUPPORT YOUR NEEDS



**OUR APPROACH IS HOLISTIC AND SOLUTION ORIENTATED. OUR EXPERIENCED UNDERWRITERS SUPPORT OUR MEMBERS AND CLIENTS WITH FLEXIBLE COVER SOLUTIONS.**

**INGER AASBØ FLATEN, SENIOR UNDERWRITER, ARENDAL**

### Defence cover for disputes in relation to the operation of a ship

Gard's standard Defence cover responds to a wide range of commercial disputes related to the operation of an entered ship.

Defence covers legal and other costs for the multitude of disputes that can arise under shipping contracts, such as contracts of affreightment, charterparties and bills of lading. These include disputes relating to:

- The loading, stowing, trimming or discharge of the cargo.
- The loss of, damages to, and delays suffered by, a ship.
- Property damage, personal injury or loss of life.
- Repairs or deliveries to a ship.
- Ship agency or brokerage.
- Insurance contracts pertaining to a ship

Defence cover is also available for claims that do not relate to a contract, such as allegations made by port authorities that a Ship is in breach of local regulations.

Defence cover and support extends to arresting assets to secure claims and the enforcement of arbitration awards or judgements obtained on our Members' and clients' behalf.

With one of the largest and most experienced teams of specialized Defence lawyers of any club in the International Group, we are able to offer excellent claims handling support and legal advisory services to our Defence Members and clients.

### Defence cover for the modification or sale of a ship

Defence cover for legal and other costs is available for disputes that arise in relation to the sale of an entered Ship, or its conversion, including claims related to the future employment of the ship being converted.

These kinds of disputes can be complex and technical. Gard's Defence lawyers understand the issues and are able to draw on our extensive inhouse technical expertise to assist.

### Pre-delivery Defence cover

Gard's Pre-delivery Defence cover responds to pre-delivery disputes that arise in connection with the building, purchase or mortgaging of a ship.

Typical pre-delivery disputes relate to whether the ship meets the agreed build specifications or whether the ship is delivered on time. Further, we often see

disputes concerning terms of payment and mortgage arrangements.

Gard's Defence lawyers are experienced in the handling of these kind of disputes and we stand ready to assist.

### Extended Defence cover for cargo owners/traders and under contracts of affreightment (COAs)

Extensions to Gard's standard Defence cover are available - to meet the more specific needs of our Members and clients.

We can offer Extended Defence cover for disputes arising under contracts of affreightment where a ship has not been nominated.

Extended Defence cover is available to our clients in their capacity as cargo owners whilst the cargo is being carried on, or is being loaded or discharged from, a ship.

Extended Defence cover can also be provided to our trader clients responding to freight, laytime, dispatch and/or demurrage disputes under sale contracts, as well as loading, lightering, trimming or discharge of cargo and agency disputes.

Tailor made extensions can also be arranged where appropriate. Please contact your underwriter.



# MORE THAN JUST INSURANCE

## BENEFIT FROM THE TEAM'S KNOWLEDGE AND EXPERTISE

### Claims handling and dispute resolution

- Gard's Defence team is one of the biggest and most experienced in the International Group.
- Our dedicated, specialist Defence lawyers are committed to providing "best in class" Defence claims handling.
- With an average of 18 years' private practice/in-house legal experience between them, our Defence lawyers have seen maritime problems from every angle.
- Situated across all major time zones and qualified in 14 different jurisdictions, they are able to offer prompt and effective legal support to our Members and clients wherever it is needed.
- Gard's Defence lawyers are also able to draw support from our extensive range of other in-house expertise, which includes, master mariners, engineers, marine biologists and other specialists.
- 80-90% of all Defence cases reported to Gard are handled and successfully concluded in-house with no external costs being incurred.

### Legal costs control

- Where it is necessary to instruct external lawyers Gard's Defence lawyers continue to add value as they maintain an active case management role.
- Gard's Defence lawyers have extensive practical experience of all aspects of maritime dispute resolution, including litigation, arbitration and mediation. They are well placed to collaborate with external lawyers and experts to ensure that our Members and clients receive the best and most cost-effective advice to help them resolve their dispute.
- Gard maintains an approved panel of English law firms. Preferential hourly rates and fixed price schemes are negotiated with panel firms each year and a dialogue with respect to servicing issues is maintained. This ensures high levels of legal service from panel firms and assists to control costs. In addition, Gard has an established worldwide network of law firms and experts. As sophisticated users of external legal and expert services, Gard Defence lawyers are well placed to effectively manage these external costs.

### Advisory services

- We are always ready to go the extra mile and Gard Defence service goes beyond the payment of legal costs.
- Our Defence Members and clients have ready access to Gard's Defence lawyers for general legal advice and support for their daily business operations.
- Gard's Defence lawyers are experienced and can offer prompt and commercial legal advice and support. They are equally comfortable advising operations teams on "live" charterparty issues or in supporting pre or post fixture operations.
- Gard's Defence support makes the difference. It enables our Members and clients to make an early assessment of their risks. It can help them to avoid disputes, to mitigate their losses, to recover debts owing or to promote a quick settlement on favourable terms.
- Gard's value-added Defence service is something our Members and clients appreciate. They recognize that our advice and support makes a real difference to their day to day business operations, giving them the edge in a competitive world.

# MORE THAN JUST INSURANCE

## LEGAL ADVICE WHEN YOU NEED IT



“OUR COLLECTIVE GLOBAL EXPERTISE IS DEEP AND EXTENSIVE. IT ENABLES US TO QUICKLY MOVE PAST THE SUPERFICIAL AND TO FOCUS MEANINGFULLY ON THE ISSUES THAT NEED TO BE ADDRESSED ”

LOUIS SHEPHERD, DEFENCE LAWYER, TOKYO

### Legal loss prevention service

- With a broad range of in-house experience and expertise to draw from, Gard's Defence lawyers are able to assist in reviewing and drafting clauses and contract wordings.
- Gard's Defence lawyers regularly provide advice in respect of various current industry issues and offer suggestions as to contractual amendments and specific clauses.
- By ensuring that our Members' and clients' maritime contracts are clearly and properly drafted, Gard's Defence lawyers can help them to manage their risks effectively to mitigate or to avoid costly disputes.

### Negotiation strategies, early neutral evaluation and in-house mediation service

- Gard is committed to sustainable business practices. We recognize that durable and constructive working relationships with key stakeholders are key to resolving disputes in the most beneficial way for our Members and clients.

- Gard's Defence lawyers often assist our Members and clients to negotiate outcomes to disputes that suit their underlying interests whilst preserving important business relationships. Our focus is always on the early identification of issues and achieving a constructive dialogue based on the merits of the particular dispute. This approach is sensitive to our Members' and clients' market reputation and makes it easier for them to maintain important business relationships even though there is a dispute.
- Gard is an advocate of early neutral evaluation and mediation as powerful problem-solving tools. Our Defence lawyers are familiar with these processes and can provide practical advice and advocacy support to help our Members and clients to get the most out of them.
- In certain cases, we are able to provide early neutral evaluation or mediation services in-house through one of our senior Defence lawyers or qualified mediators who are not involved in handling the dispute for either of the parties. The saving of claims costs, and the preservation of reputation and commercial relationships, can be of significant benefit Gard's Members and clients.

### Market developments and legal education services

- At Gard we understand that remaining relevant to our Members' and clients' business requirements requires us to stay up to date with the latest industry developments.
- Our extensive market coverage puts us in a unique position to identify market developments and trends at an early stage.
- Gard's Defence lawyers are often involved in preparing alerts and articles for our Members and clients.
- They are also frequent speakers at Gard and industry workshops and seminars. Bespoke legal workshops and seminars can be given to Gard Defence Members and clients on request.

# GLOBAL REACH

LEADING TEAM OF SPECIALIST DEFENCE LAWYERS



## EXPERTISE IN 14 JURISDICTIONS





38

DEFENCE LAWYERS

18

YEARS OF PRACTICE ON  
AVERAGE, PQE

390+

DEFENCE CLIENTS

3,000+

CASES ANNUALLY

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