

Date:

LETTER OF INDEMNITY
(FOR DELIVERY OF CARGO WITHOUT PRODUCTION OF THE ORIGINAL BILL OF LADING)
INCORPORATING A BANK'S AGREEMENT TO JOIN IN THE LETTER OF INDEMNITY

To :

Dear Sirs:

Ship :

Voyage :

Cargo :

Bill of lading :

The above cargo was shipped on the above ship by _____ and consigned to _____ for delivery at the port of _____ but the bill of lading has not arrived and we, _____, hereby request you to deliver the said cargo to _____ at _____ without production of the original bill of lading.

In consideration of your complying with our able request, we hereby agree as follows:

1. To indemnify you, your servants and agents and to hold all of you harmless in respect of any liability, loss, damage or expense of whatsoever nature which you may sustain by reason of delivering the cargo in accordance with our request.
2. In the event of any proceedings being commenced against you or any of your servants or agents in connection with the delivery of the cargo as aforesaid, to provide you or them on demand with sufficient funds to defend the same.
3. If, in connection with the delivery of the cargo as aforesaid, the ship, or any other ship or property in the same or associated ownership, management or control, should be arrested or detained or should the arrest or detention thereof be threatened, or should there be any interference in the use or trading of the vessel (whether by virtue of a caveat being entered on the ship's registry or otherwise howsoever), to provide on demand such bail or other security as may be required to prevent such arrest or detention or to secure the release of such ship or property or to remove such interference and to indemnify you in respect of any liability, loss, damage or expense cause by such arrest or detention or threatened arrest or detention or such interference, whether or not such arrest or detention or threatened arrest or detention or such interference may be justified.
4. As soon as all original bill of lading for the above cargo shall have come into our possession, to deliver the same to you, or otherwise to cause all original bill of lading to be delivered to you, whereupon our liability hereunder shall cease.
5. The liability of each and every person under this indemnity shall be joint and several and shall not be conditional upon your proceeding first against any person, whether or not such person is party to or liable under this Indemnity.

Yours faithfully

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Authorised Signature(s) and Chop

S.V.

We, HSBC Brunei, hereby agree to join in this Indemnity providing always that the Bank's liability:-

1. Shall be restricted to making payment up to the specified sums of money stated in (3) below.
2. Shall be to make payment to you forthwith on your written demand in the form of a signed letter certifying that the amount demanded is a sum due to be paid to you under the terms of the Indemnity and has not been paid to you by the Requestor or is a sum which represents monetary compensation due to you in respect of the failure by the Requestor to fulfill its obligations to you under the Indemnity. For the avoidance of doubt the Bank hereby confirms that:
 - (a) such compensation shall include, but not be limited to, payment of any amount up to the amount stated in proviso 3 below in order to enable you to arrange the provision of security to release the ship (or any other ship in the same or associated ownership, management or control) from arrest or to prevent any such arrest or to prevent any interference in the use or trading of the ship, or other ship as aforesaid; and
 - (b) in the event that the amount of compensation is less than the amount stated in the proviso 3 below, the liability of the Bank hereunder shall continue but shall be reduced by the amount of compensation paid.
3. Shall be limited to a sum or sums not exceeding in aggregate _____.
4. The Indemnity shall cease after the original bill of lading is surrendered to you.

It should be understood that, where possible and appropriate, the Bank will only produce and deliver to you all original bills of lading should the same come into the Bank's possession,

Yours faithfully,

For The Hongkong and Shanghai Banking Corporation Limited

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Manager