

Transport & Professional Competence

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The carrier's responsibilities and liabilities when carrying third party goods

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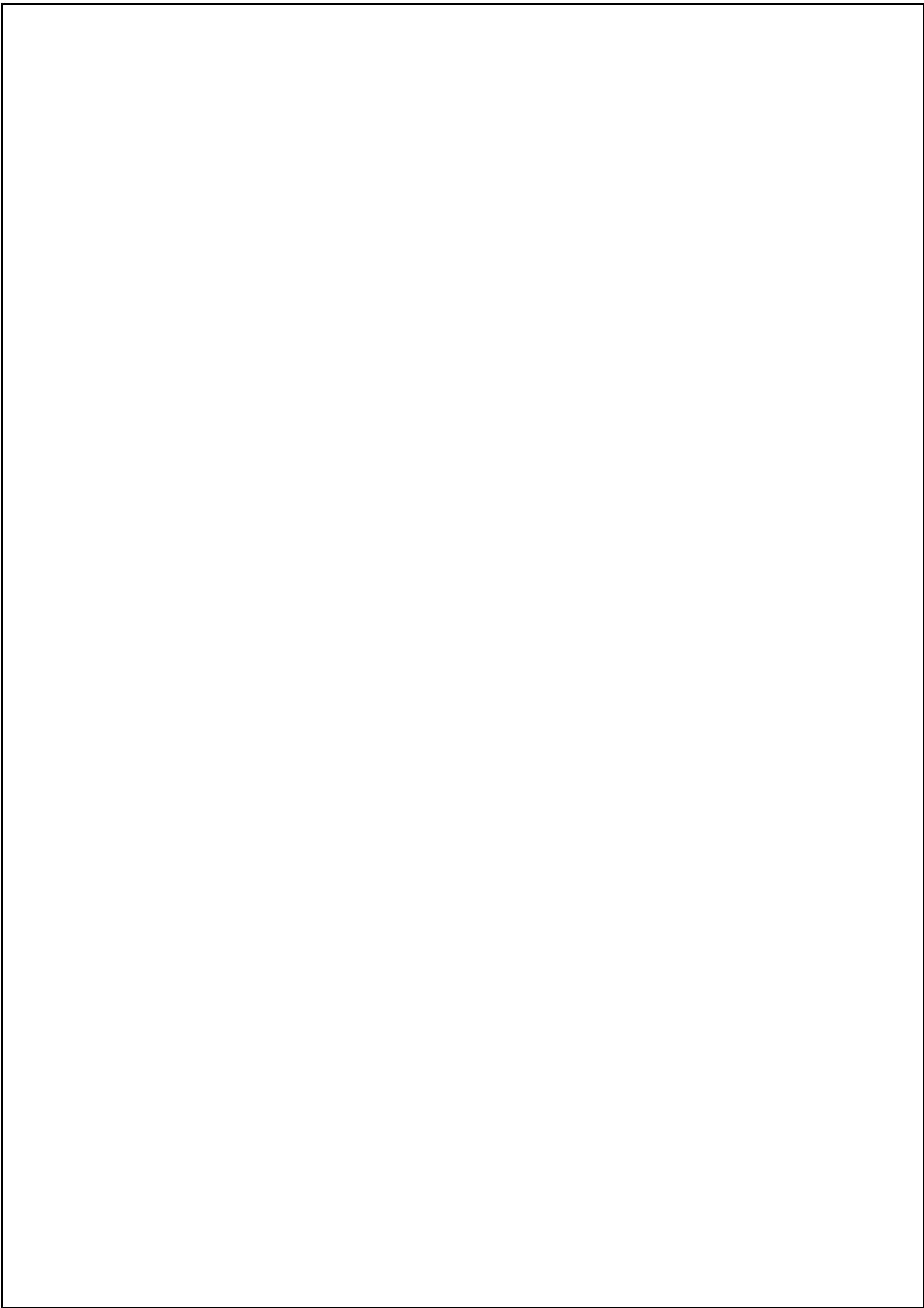
Logistics & Supply Chain Management

Year 1

Transport & Professional Competence (M4X01279)

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Introduction

There are a lot of aspects that concerns the carrier while they are transporting goods. A carrier must have knowledge of the consequences if ever an event arises. For example, leak of dangerous substances and its possible effects, shelf life of a food product in transit as well as storage temperature, the appointed time for food products to be delivered. Safe working load of the vehicle they are operating, the type of vehicle or equipment they must operate. They must also be well informed about what speed or route they must abide with during transit. If the carrier is licensed and, their knowledge reduces the risk of delays, damages or in-accuracy of goods. Hence avoiding the possibly of any claims and any legal cases thrown their way in such events. (Drozdiel, Kondek, Bukova, 2016)

What is responsibility?

Responsibility is often taken as a sign of maturity in a person's life, this attribute is also highly regarded in professional practise especially when dealing sensitive subjects such as someone's wellbeing, information and fragile/hazardous materials. In a report by Bart Wright on *'the meaning of responsibility.'* He states that 'It can carry the weight of one's accepting blame for something that has happened; and it is also a role wherein a person is authorized to make decisions independently.' (Wright, 2010)

What is liability

According to Investopedia liability is *'insurance is insurance that provides protection against claims resulting from injuries and damage to people and/or property. Liability insurance policies cover both legal costs and any legal payouts for which the insured would be responsible if found legally liable. Intentional damage and contractual liabilities are typically not covered in these types of policies.'*

Prior to starting transit of the goods

The carrier's responsibilities include, preparing the load for transit, checking the inventory, making sure all equipment are in good working order, make sure that the load they will be carrying are placed safely or tied down if needed be. They ensure that they are physically and mentally prepared to carry out their task. T

'the accuracy of the statements in the consignment note as to the number of packages and their marks and numbers, and the apparent condition of the goods of the goods and their packaging.' (CMR Convention on the contract for the international carriage of goods by road) (2011)

Liabilities

Physical

The carrier should be physically fit for their appointed duty. They should report any sickness, or any physical injury that will prevent them from carrying out their task safely. Should not be under the influence of drugs or alcohol these can cause misjudgements like counting and being able to tell objects apart or judging of distance and potentially slow their reaction time. Prescription of medication that has side effects of being sleepy or drowsy should not be taken if they do get prescribed the carrier's employer should be made aware of it. In hindsight the operator must comply with their company's drugs and physical wellbeing terms and conditions. (Rospa, 2018)

Mental

The carrier must also mentally fit to handle the stress that their working environment can cause. As with their physical wellbeing, they must also alert their employers anything about their mental capability, for example a recent event that could have been traumatic, they should get a professional evaluation. If the carrier is required to drive for long hour periods, an allocated time of rest must be taken, this is procedure is called drivers hours, where the driver must have at least 11 hours of rest before they are to drive again. (Cunningham, 2016)

The carrier must have up to date licences and certificates before doing any operations. Not only they have to be up to date, their documentation also must correspond with the work they are going to undertake. The carrier will not be covered by their company insurance should an incident occur, and it involves the carrier carrying out a task outside of their field of work. (Shell, 2016)

Legal

The first order for the carrier is to deliver the goods in a safe and acceptable condition. This is the main goal of their profession is the safety and condition during the transit Delayed delivery means that the goods have not arrived in the agreed time-limit, failing to meet the agreed delivery time will result the carrier to be liable, depending on the reason of the delay, whether the carriers are at fault or not. It is essential for the carrier to have insurance to protect them from any claims made to them. (X Zou, 2015)

With regards to the goods being carried, it is the carrier's responsibility to make sure that the goods arrive within the target time frame, the carrier is also liable for any loss or damage of the goods during the duration of the transit. (Langley Jr., 2015)

It is not the carrier's duty to enquire with both the accuracy or capacity of documents and information. It is the senders or employer's duty and they are liable to the carrier if there for any damages caused by lack of knowledge, inadequacy or irregularity of any documents and information. Except if these faults were caused by the carrier

Road safety for carries

According to the UK's GOV website, within the EU a driver must not drive more than 9-10 hours a day, 56 hours in a week and 90 hours in any 2 consecutive weeks. (all driving done under EU rules must be recorded on a tachograph). (GOV.UK)

Breaks and rest while driving under EU rules

The driver must have at least 11 hours of rest, it can be lowered to 9 hours of rest, in 3 occasions between any 2 weekly rest periods. (GOV.UK)
(*Rules on drivers' hours and tachographs for goods vehicles in Great Britain and Europe*, Gov guide GV262)

Carriers defence

The purpose of insurance for carriers – Goods that are being moved to or from a destination is required by law required to have adequate insurance protection. This helps to reduce the risk against goods being lost, damaged or delayed, this helps both parties to claim from their insurance companies to compensate for any resulting financial loss.

In the event of delays and other problems that should occur during the transit, the driver is not liable for the following.

A road traffic collision that they are involved in but not at fault, shipment errors that were not made by the carrier, this can involve wrong goods delivered or a have been given the wrong delivery destination. Use of faulty or miss-issued item given to them by their employers. (Vorndran, Roehm. 2014)

Conclusion

Before the transit, during and the handover of goods, the carrier must comply with all the regulations. The carrier has got to be competent to ensure that they are up to date with their employers' terms and conditions as well as the country's transporting of goods legislation. Having insurance proves vital to the operation of moving third party goods, as proved by the researched that's has been carried out, the carrier is protected in a variety of ways if there were to be an event where they will be held liable for any dispute.

Reference

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Transport & Professional Competence

GRADEMARK REPORT

FINAL GRADE

32/100

GENERAL COMMENTS

Instructor

The assignment is to be in the form of a written report in which you will discuss the Carrier's Responsibilities and Liabilities when carrying third party goods. The task assignment is to be 1,750 words, +/- 10%.

Assessment Criteria:

Outline the carrier's responsibilities and liabilities under law and their defence against spurious claims

Word Count: 1217 = 354 word short of the absolute minimum for the assignment.

Line spacing to be 1.5 not 1.0

liability

/laɪəˈbɪlɪti/ 

noun

no un: **liability**

1. the state of being legally responsible for something.

"once you contact the card protection scheme your

liability for any loss ends"

accountability, responsibility, legal

responsibility, answerability; More

incrimination, blame, blameworthiness,

culpability, guilt, onus, fault;

synonyms:

informal the rap

"journalists cannot avoid liability for

defamation merely by avoiding the naming of names"

antonyms: immunity

a thing for which someone is responsible, especially an amount of money owed.

plural no un: **liabilities**

"valuing the company's liabilities and assets"

financial obligation, debt, indebtedness, debit;

More

synonyms: debts, arrears, dues

"they have some huge assets and some equally big liabilities"

antonyms: asset

2. a person or thing whose presence or behaviour is likely to put one at a disadvantage.

"she said the party had become a liability to green politics"

synonyms: hindrance, encumbrance, burden, handicap,
nuisance, inconvenience;

This assignment was written under duress and it show,
the carriers responsibilities are:

To get the product to the consumer in the right time,
in the right condition, in the right quantity, to the right
place, these should have been your assignment
headings.

What you are stating here within, is that the carrier has
to comply with the Law and that they require insurance
cover. This does not answer the assignment question

Your bibliography does not conform to the Havard
conventions, your page layouts are poor. You have in
the main no supporting reference within the
assignment to support the claims that you are making.

This is a classic sign of a rushed assignment through
duress.

	Grade
RIL	42.9%
K&U	28.6%
Analysis	28.6%
Prac	
Skills	28.6%
Total	32.1%



Comment 1

Says who. You could have used a definition here, this is not about a person.



Comment 2

Improper citation



Comment 3

Should have used a definition here. We are not discussing liability insurance were discussing liability.



Comment 4

Improper citation



Comment 5

Be careful, it is not the carriers responsibility to prepare the load for transit.