

### Road Transport Agreement: Checklist for drafting

Provided herewith is a checklist for consideration when negotiating your road carrier agreements. On considering same, you will see it is important to consult with an attorney to allow for a comprehensive contract to be put in place between the contracting parties.

Should you require our service with drafting and legal advice, please contact Lisa Boogaard on 0721164121 or send an email to [lisa@bgdattorneys.co.za](mailto:lisa@bgdattorneys.co.za)

<b>Matters for Consideration</b>	<b>Notes</b>
Full description of parties	
Description of nature of contract	
Geographical scope of transport services	
Goods to be transported	
Duration & termination of contract	
<b><u>Obligations of the Carrier:</u></b>	
Required travel times	
Details of preferred routes & establishing proof of same	
Establishing correct addresses for offloading	

Requirements for special equipment in offloading goods conveyed	
Details of vehicles including special capacity, safety & cleaning requirements	
Specialised requirements in respect of drivers operating vehicles	
<b>Obligations of Customers</b>	
Duty to mark goods correctly	
Accommodation of drivers	
Details of any exclusivity of transport services & guaranteed minimum tonnage	
Details of any loading and offloading assistance and facilities	
Transport route instructions	
Training for dealing with specialised nature of goods conveyed & special requirements for perishable goods	
Duty to supply material and or any devices required to store goods conveyed safely and securely	
Consequences of inability to offload & required storage facilities at offloading points	

<b>Special Requirements</b>	
Requirements of any signage when transporting goods	
How to address contamination	
Required temperature of storage of goods	
Seasonal deliveries	
Conditions of road	
<b>Rates &amp; terms of payment</b>	
Basis of calculation for fees; any incentives and discounts & due dates for payment, as well as any interest on overdue sums	
Penalties for breach of contract	
Basis of determination of charges for additional services	
Party responsible for maintenance of vehicles; insurance; duties and taxes; payment of tolls	
Details of any liens	
<b>Documentation required</b>	
<b>Prescribed process and format for any of the following documents:</b>	

Bills of lading; freight bill; packaging; labelling	
<b>Liability for damages</b>  Types of damage to be addressed i.e. direct and or consequential	
<b>Considerations pertaining to damages:</b>	
The source of the damage: carriage of the goods; breach of contract; negligence; gross negligence	
<b>What exclusions will be placed on liability</b>	
<b>Indemnities if any between the parties for damage to third parties</b>	
<b>Who carries risk for damage to goods</b>	
<b>Requirement &amp; responsibilities for disposal of damaged goods</b>	
<b>Risks pertaining to damaged goods</b>	
<b>Any insurance requirements (ownership of goods during conveyance; types of insurance; nature of risks insured against</b>	
<b>Expectations, rights and obligations pertaining to impossibility of Performance &amp; different circumstances giving rise to non-performance</b>	

Statutory compliance to which the parties are required to meet	
Required permits, permissions and consents required	
<b>General</b> - Breach; termination; cession and assignment; conflict resolution; confidentiality; restraints; rights to subcontract; domicilium; entire agreement; indulgences/waiver; costs of contract; amendments to contract	