

Commercial Contract

COURIER SERVICES



*Empowered lives.
Resilient nations.*



Small and Medium Enterprises Development Authority

Ministry of Industries & Production

Government of Pakistan

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January 2013

Courier Services

Pro-Gole (Right to do Business)

Legal Services, B&SDS

LEGAL SERVICES, SMEDA

The Legal Services (LS) department is a part of Business & Sector Development Services Division of the Small Medium Enterprises Development Authority and plays a key role in providing an overall facilitation and support to the small businesses. The LS believes that information dissemination among the small businesses on the existing legal & regulatory environment and business to business and business to client contracting is of paramount importance and plays a pivotal role in their sustainable development.

In order to facilitate small businesses, the LS, under the Pro-GOLE (Right to do business) project, a joint SMEDA-UNDP initiative for supporting the small businesses, has developed user-friendly contract templates.

Pro-GOLE, (Right to do Business)

The UNDP has partnered with the Small and Medium Enterprises Development Authority to initiate and execute the Pillar 4 (Right to do business) component of the UNDP PRO-GOLE project which seeks to enhance the legal awareness and mobility of marginalized/ informal businesses. Under the project legal services outreach shall be extended to small businesses including home based enterprises, small shopkeepers, growers, women entrepreneurs, hawking vendors etc. In addition, small business shall be mobilized to access legal services.

The Need for Commercial Contracts Templates

In an increasingly complex and competitive industry, it is vital that suppliers and purchasers are fully protected against legal and commercial risks. To counter such risks, a viable solution; available as- of the shelf commercial contract templates- will provide the users with first class ready to use support. With obligations properly set out and liabilities accurately defined, the users will be in a far better position to look after their rights and interests and move forward from their marginalized positions to being active players of the economy. The Legal Service Providers can equally take benefit of these templates for their professional and business development.

Disclaimer

The information contained in this template is meant to facilitate the businesses in documenting transactions for small shopkeepers terms and conditions for commercial matters. However, SMEDA, UNDP or any of their employees or representatives accept no responsibility and expressly disclaim any and all liabilities for any and all losses/shortfalls caused by or motivated by recommendations from the information contained within this document. Although SMEDA's ambition is to provide accurate and reliable information; yet, the document is not an alternative to expert legal advice and should ideally be used in conjunction with the same. Any person using this document and or benefiting from the information contained herein shall do so at his/her own risk and costs and be deemed to have accepted this disclaimer.

All information contained in this document may be freely used provided that relevant acknowledgement is accurately quoted with each usage.

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- No service shall be rendered in the transportation of any of the following articles:
[insert list of the prohibited articles].
- [Insert name of the business] will not be liable for any loss of or damage to any articles listed above.
- It is the responsibility of the shipper to ensure that a shipment tendered to [insert name of the business] does not violate any federal, state, provincial, or local laws or regulations applicable to the shipment.
- [Insert name of the business] reserves the right, but is not required, to open and inspect any package tendered to it for transportation.
- It is the responsibility of the shipper to ensure that proper packaging is used and that contents of packages are adequately and securely packed, wrapped, and cushioned for transportation..
- [insert name of the business] reserves the right to refuse to provide service, among other reasons, for any package that by reason of the dangerous or other character of its contents may, in the sole judgment of [insert name of the business], soil, taint or otherwise damage other packages.
- [Insert name of the business] may honor a request to reroute a package where practicable, and where the shipper has guaranteed payment of any applicable charges resulting from the change.
- [Insert name of the business] shall not be liable for any interruption of service due to causes beyond its control, including, but not limited to, the following: the unavailability or refusal of a person to accept delivery of the shipment; acts of God; acts of public authorities acting with actual or apparent authority; acts or omissions of customs or similar authorities; insufficient information provided by a customer; Hazardous Materials packages improperly offered for transport; the application of security regulations imposed by the government, or otherwise applicable to the shipment; riots, strikes or other labor disputes; civil unrest; disruptions in air or ground transportation networks and natural disasters.
- Subject to the applicable law, [insert name of the business] is not liable to the shipper or any other person for any damage, delay or loss in part or in full of whatsoever nature arising out of or in connection with the carriage of the goods.
- [Insert name of the business] is not liable for any damage to any person arising out of non compliance with applicable laws and other government regulations.
- During the carriage of the goods, the liability of [insert name of the business] in the event of destruction, loss, damage, delay or non-delivery is restricted to [insert amount] per kg of the shipment unless the shipper has especially declared the value of the shipment and has paid extra charges with respect to it. In such case, the liability of [insert name of the business] shall be limited to the declared value of the shipment.

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- Any claims with respect to the damage of the shipped goods must be lodged with [insert name of the business] within [insert number] days of the receipt of delivery, after which no such claim shall be entertained by [insert name of the business].
- Absence of a complaint from the consignee shall be a prima facie evidence that the shipment has been delivered in good condition, and in accordance with the instructions of the shipper.
- No agent, employee or servant of [insert name of the business] has the authority to modify or waive any provisions mentioned in this document.