

# **England, Carriage of Goods by Sea Act 1971**

England

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## Contents

<b>Carriage Of Goods By Sea Act 1971 [of England]</b>	<b>1</b>
Article 1 - Application of Hague Rules as amended. . . . .	1
Article 2. - Contracting States, etc . . . . .	2
Article 3. - Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply . . . . .	2
Article 4. - Application of Act to British possessions, etc. . . . .	2
Article 5. -Extension of application of Rules to carriage from ports in British possessions, etc . . . . .	2
Article 6 - Supplemental . . . . .	3
<i>[In Force]</i> . . . . .	3
Schedule The Hague-Visby Rules. . . . .	4
<b>Metadata</b>	<b>5</b>
SiSU Metadata, document information . . . . .	5

## Carriage Of Goods By Sea Act 1971 [of England]

### Article 1 - Application of Hague Rules as amended.

1. In this Act, 'the Rules' means the International Convention for the unification of certain rule of law relating to bills of lading signed at Brussels on 25th August 1924, as amended by the Protocol signed at Brussels on 23rd February 1968.

2. The provisions of the Rules, as set out in the Schedule to this Act, shall have the force of law.

3. Without prejudice to subsection (2) above, the said provisions shall have effect (and have the force of law) in relation to and in connection with the carriage of goods by sea in ships where the port of shipment is a port in the United Kingdom, whether or not the carriage is between ports in two different States within the meaning of Article X of the Rules.

4. Subject to subsection (6) below, nothing in this section shall be taken as applying anything in the Rules to any contract for the carriage of goods by sea, unless the contract expressly or by implication provides for the issue of a bill of lading or any similar document of title.

5. The Secretary of State may from time to time by order made by statutory instrument specify the respective amounts which for the purposes of paragraph 5 of Article IV of the Rules and of Article IV bis of the Rules are to be taken as equivalent to the sums expressed in francs which are mentioned in sub-paragraph (a) of that paragraph.

6. Without prejudice to Article X (c) of the Rules, the Rules shall have the force of law in relation to:

(a) any bill of lading if the contract contained in or evidenced by it expressly provides that the Rules shall govern the contract,

and

(b) any receipt which is a non-negotiable document marked as such if the contract contained in or evidenced by it is a contract for the carriage of goods by sea which expressly provides that the Rules are to govern the contract as if the receipt were a bill of lading,

but subject, where paragraph (b) applies, to any necessary modifications and in particular with the omission in Article III of the Rules of the second sentence of paragraph 4 and of paragraph 7.

7. If and so far as the contract contained in or evidenced by a bill of lading or receipt within paragraph (a) or (b) of subsection (6) above applies to deck cargo and live animals, the Rules as given the force of law by that subsection shall have effect as if Article I (c) did not exclude deck cargo and live animals.

In this subsection 'deck cargo' means cargo which by the contract of carriage is stated as being carried on deck and is so carried.

**Article 2. - Contracting States, etc**

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2. (1) If Her Majesty by Order in Council certifies to the following effect, that is to say, that for the purposes of the Rules:

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(a) a State specified in the Order is a contracting State, or is a contracting State in respect of any place or territory so specified; or

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(b) any place or territory specified in the Order forms part of a State so specified (whether a contracting State or not),

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the Order shall, except so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

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2. (2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

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**Article 3. - Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply**

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3. There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply by virtue of this Act any absolute undertaking by the carrier of the goods to provide a seaworthy ship.

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**Article 4. - Application of Act to British possessions, etc.**

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4. (1) Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to all or any of the following territories, that is:

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(a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible);

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(b) any country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Majesty's Government of the United Kingdom.

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4. (2) An Order in Council under this section may contain such transitional and other consequential and incidental provisions as appear to Her Majesty to be expedient, including provisions amending or repealing any legislation about the carriage of goods by sea forming part of the law of any of the territories mentioned in paragraphs (a) and (b) above.

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4. (3) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

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**Article 5. -Extension of application of Rules to carriage from ports in British possessions, etc**

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5. (1) Her Majesty may by Order in Council provide that section 1(3) of this Act shall

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have effect as if the reference therein to the United Kingdom included a reference to all or any of the following territories, that is:

- (a) the Isle of Man; 31
  - (b) any of the Channel Islands specified in the Order; 32
  - (c) any colony specified in the Order (not being a colony for whose external relations a country other than the United Kingdom is responsible); 33
  - (d) any associated state (as defined by section 1(3) of the West Indies Act 1967) specified in the Order; 34
  - (e) any country specified in the Order, being a country outside Her Majesty's dominions in which Her Majesty has jurisdiction in right of Her Majesty's Government of the United Kingdom. 35
5. (2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council. 36

#### **Article 6 - Supplemental**

6. (1) This Act may be cited as the Carriage of Goods by Sea Act 1971. 38
6. (2) It is hereby declared that this Act extends to Northern Ireland. 39
6. (3) The following enactments shall be repealed, that is: a) The Carriage of Goods by Sea Act 1924; b) section 12 (4) (a) of the Nuclear Installations Act 1965, and without prejudice to section 38 (1) of the Interpretation Act 1889, the reference to the said Act of 1924 in section I (l) (i) (ii) of the Hovercraft Act 1968 shall include a reference to this Act. 40
6. (4) It is hereby declared that for the purposes of Article VIII of the Rules section 502 of the Merchant Shipping Act 1894 (which, as amended by the Merchant Shipping (Liability of Shipowner and Others) Act 1958, entirely exempts shipowner and others in certain circumstances from liability for loss of, or damage to, goods) is a provision relating to limitation of liability. 41
6. (5) This Act shall come into force on such day as her Majesty may by Order in Council appoint\* and, for the purposes of the transition from the law in force immediately before the day appointed under this subsection to the provisions of this Act, the Order appointing the day may provide that those provisions shall have effect subject to such transitional provisions as may be contained in the Order. 42

#### **[In Force]**

The Act came into operation on 23 June 1977 (SI 1977 No 981). 43

**Schedule The Hague-Visby Rules.**

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[The Hague Rules as amended](http://www.lexisnexis.com/sea.carriage.hague.visby.rules.1968/doc.html)  
by the Brussels Protocol 1968.

An Act to amend the law with respect to the carriage of goods by sea (8th April 1971). 46

## Metadata

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