

England, Carriage of Goods by Sea Act 1971

England

copy @ lexmercatoria.org

Copyright © 1968 England

Contents

Carriage Of Goods By Sea Act 1971 [of England]	1
Article 1 - Application of Hague Rules as amended. . . .	1
Article 2. - Contracting States, etc	1
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	2
<i>[In Force]</i>	3
Schedule The Hague-Visby Rules.	3
Metadata	4
SiSU Metadata, document information	4

1 **Carriage Of Goods By Sea Act 1971 [of England]**

2 **Article 1 - Application of Hague Rules as amended.**

3 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.

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

5 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.

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

7 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 ex-
pressed in francs which are mentioned in sub-paragraph (a) of that
paragraph.

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

9 (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 lad-
ing,

but subject, where paragraph (b) applies, to any necessary modifi-
cations 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 con-
tract of carriage is stated as being carried on deck and is so car-
ried.

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

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:

(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

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

the Order shall, except so far as it has been superseded by a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

20 2. (2) An Order in Council under this section may be varied or
revoked by a subsequent Order in Council.

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

22 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 sea-
worthy ship.

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

24 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 ter-
ritories, that is:

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

26 (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.

27 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 amend-
ing or repealing any legislation about the carriage of goods by sea
forming part of the law of any of the territories mentioned in para-
graphs (a) and (b) above.

28 4. (3) An Order in Council under this section may be varied or
revoked by a subsequent Order in Council.

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

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

(b) any of the Channel Islands specified in the Order;

(c) any colony specified in the Order (not being a colony for whose
external relations a country other than the United Kingdom is re-
sponsible);

(d) any associated state (as defined by section 1(3) of the West
Indies Act 1967) specified in the Order;

(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.

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

Article 6 - Supplemental

6. (1) This Act may be cited as the Carriage of Goods by Sea Act
1971.

6. (2) It is hereby declared that this Act extends to Northern Ire-
land.

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.

41 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.

42 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.

[In Force]

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

Schedule The Hague-Visby Rules.

45 The Hague Rules as amended by the Brussels Protocol 1968.

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

Metadata

SiSU Metadata, document information

Document Manifest @:

http://www.jus.uio.no/lm/england.carriage.of.goods.by.sea.act.1971/sisu_manifest.html

Title: England, Carriage of Goods by Sea Act 1971

Creator: England

Rights: Copyright (C) 1968 England

Publisher: SiSU <http://www.jus.uio.no/sisu> (this copy)

Date: 1968-02-23

Topics Registered: England:statute;carriage of goods:sea

Version Information

Sourcefile: england.carriage.of.goods.by.sea.act.1971.sst

Filetype: SiSU text 2.0

Source Digest: SHA256(england.carriage.of.goods.by.sea.act.1971.sst)=
c8699f91a81c4df9060173f5d10f7fcf2ab43ca95b483e596be299ff1bf070eb

Skin Digest: SHA256(skin_lm.rb)=5acda64a9532f9ef6b71693da2b471d4efac2f23-
a8499e68de066eec8ea9b8e9

Generated

Document (dal) last generated: Tue Sep 21 16:47:04 -0400 2010

Generated by: SiSU 2.6.3 of 2010w30/3 (2010-07-28)

Ruby version: ruby 1.8.7 (2010-08-16 patchlevel 302) [i486-linux]