



# Carriage of Goods by Sea Act 1971

## 1971 CHAPTER 19

### 1 Application of Hague Rules as amended.

- (1) In this Act, “the Rules” means the International Convention for the unification of certain rules 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 [<sup>F1</sup>and by the Protocol signed at Brussels on 21st December 1979].
- (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) ..... F2
- (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.

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- (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 or 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.

#### Textual Amendments

- F1** Words inserted by [Merchant Shipping Act 1981 \(c. 10, SIF 111\), s. 2\(1\)](#)  
**F2** [S. 1\(5\)](#) repealed by [Merchant Shipping Act \(c. 10, SIF 111\), s. 5\(3\), Sch.](#)

#### Modifications etc. (not altering text)

- C1** [S. 1](#) amended (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(2\), Sch. 13 para. 45\(2\)](#) (with [s. 312\(1\), Sch. 14 para. 1](#))

### [<sup>F3</sup>1A Conversion of special drawing rights into sterling.

- (1) For the purposes of Article IV of the Rules the value on a particular day of one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—
- (a) for that day; or
  - (b) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- (a) that a particular sum in sterling has been fixed as aforesaid for a particular day; or
  - (b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,
- shall be conclusive evidence of those matters for the purposes of subsection (1) above; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.
- (3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) above, and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.]

#### Textual Amendments

- F3** [S. 1A](#) inserted (1.1.1996) by [1995 c. 21, ss. 314\(2\), 316\(2\), Sch. 13 para. 45\(3\)](#) (with [s. 312\(1\), Sch. 14 para. 1](#))

## 2 Contracting States, etc.

- (1) If Her Majesty by Order in Council certified 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
- (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 certified.

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

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**Modifications etc. (not altering text)**

**C2** S. 2 modified by Merchant Shipping Act (c. 10, SIF 111), s. 2(6)

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

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.

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

- (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—
  - (a) any colony (not being a colony for whose external relations a country other than the United Kingdom is responsible),
  - (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.
- (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.
- (3) An Order in Council under this Section may be varied or revoked by a subsequent Order in Council.

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**Modifications etc. (not altering text)**

**C3** S. 4 extended by Merchant Shipping Act (c. 10, SIF 111), s. 4(2)

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

- (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;

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- (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 responsible);
  - (d) .....<sup>F4</sup>
  - (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.
- (2) An Order in Council under this section may be varied or revoked by a subsequent Order in Council.

#### Textual Amendments

**F4** S. 5(1)(d) repealed by Statute Law (Repeals) Act 1989 (c. 43), s. 1(1), **Sch. 1**, Pt. VI

## 6 Supplemental.

- (1) This Act may be cited as the Carriage of Goods by Sea Act 1971.
- (2) It is hereby declared that this Act extends to Northern Ireland.
- (3) The following enactments shall be repealed, that is—
- (a) the <sup>M1</sup>Carriage of Goods by Sea Act 1924,
  - (b) section 12(4)(a) of the <sup>M2</sup>Nuclear Installations Act 1965,
- and without prejudice to section [<sup>F5</sup>17(2)(a) of the <sup>M3</sup>Interpretation Act 1978], the reference to the said Act of 1924 in section 1(1)(i)(ii) of the <sup>M4</sup>Hovercraft Act 1968 shall include a reference to this Act.
- [<sup>F6</sup>(4) It is hereby declared that for the purposes of Article VIII of the Rules section 186 of the Merchant Shipping Act 1995 (which entirely exempts shipowners and others in certain circumstances for loss of, or damage to, goods) is a provision relating to limitation of liability.]
- (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.

#### Textual Amendments

**F5** Words substituted by virtue of Interpretation Act 1978 (c. 30), s. 25(2)

**F6** S. 6(4) substituted (1.1.1996) by 1995 c. 21, ss. 314(2), 316(2), **Sch. 13 para. 45(4)** (with s. 312(1), Sch. 14 para. 1)

#### Modifications etc. (not altering text)

**C4** 23.6.1977 appointed under s. 6(5) by S.I. 1977/981, **art. 2**

#### Marginal Citations

**M1** 1924 c. 22.

**M2** 1965 c. 57.

**M3** 1978 c. 30.

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**Changes to legislation:** *There are currently no known outstanding effects for the Carriage of Goods by Sea Act 1971. (See end of Document for details)*

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**M4** 1968 c. 59.

**Changes to legislation:**

There are currently no known outstanding effects for the Carriage of Goods by Sea Act 1971.