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 **[**[F1]and by the Protocol signed at Brusels 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.

(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F2 S. 1(5) repealed by Merchant Shipping Act (c. 10, SIF 111), s. 5(3), Sch.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)

Changes to legislation:
There are currently no known outstanding effects for the Carriage of Goods by Sea Act 1971, Section 1.