
Changes to legislation: There are currently no known outstanding effects for the Merchant Shipping(Liner Conferences) Act 1982, Cross Heading: Article 39. (See end of Document for details)

SCHEDULE

THE TEXT OF THE CODE

PART TWO

CHAPTER VI

PROVISIONS AND MACHINERY FOR SETTLEMENT OF DISPUTES

Article 39

- 1 Each Contracting Party shall recognize a recommendation as binding between the parties which have accepted it and shall, subject to the provisions of article 39, paragraphs 2 and 3, enforce, at the request of any such party, all obligations imposed by the recommendation as if it were a final judgment of a court of that Contracting Party.
- 2 A recommendation shall not be recognized and enforced at the request of a party referred to in article 39, paragraph 1 only if the court or other competent authority of the country where recognition and enforcement is sought is satisfied that:
 - (a) Any party which accepted the recommendation was, under the law applicable to it, under some legal incapacity at the time of acceptance;
 - (b) Fraud or coercion has been used in the making of the recommendations;
 - (c) The recommendation is contrary to public policy (ordre public) in the country of enforcement; or
 - (d) The composition of the conciliators, or the conciliation procedure, was not in accordance with the provisions of this Code.
- 3 Any part of the recommendation shall not be enforced and recognized if the court or other competent authority is satisfied that such part comes within any of the subparagraphs of article 39, paragraph 2 and can be separated from other parts of the recommendation. If such part cannot be separated, the entire recommendation shall not be enforced and recognized.

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