

1982 No. 1664

MERCHANT SHIPPING

The Carriage of Goods by Sea (Overseas Territories) Order 1982

Made - - - - 24th November 1982
Coming into Operation 1st December 1982

At the Court at Buckingham Palace, the 24th day of November 1982

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4 of the Carriage of Goods by Sea Act 1971 (a) and section 4(2) of the Merchant Shipping Act 1981 (b), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Carriage of Goods by Sea (Overseas Territories) Order 1982 and shall come into operation on 1st December 1982.

2. (a) The Carriage of Goods by Sea Act 1971, excluding any amendments to that Act made by the provisions of the Merchant Shipping Act 1981, and the provisions of the Merchant Shipping Act 1981 specified in paragraph (b) below, shall extend to the territories, any one of which is in this Order referred to as "the Territory", specified in Schedule 1 to this Order, subject to the exceptions, adaptations and modifications specified in Schedule 2 to this Order.

(b) The provisions of the Merchant Shipping Act 1981 referred to in paragraph (a) above are section 2; section 3 in so far as it relates to section 2; section 5(3) and the Schedule in so far as they relate to the Carriage of Goods by Sea Act 1971; and section 5(4) and (5) in so far as those sub-sections relate to the provisions specified in this paragraph.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1971 c.19.

(b) 1981 c.10.

SCHEDULE 1

Article 2

TERRITORIES TO WHICH THE CARRIAGE OF GOODS BY SEA ACT 1971 AND THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1981 ARE EXTENDED

British Antarctic Territory
British Virgin Islands
Cayman Islands
Falkland Islands and Dependencies
Montserrat
Turks and Caicos Islands

SCHEDULE 2

Article 2

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE CARRIAGE OF GOODS BY SEA ACT 1971 AND THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1981 TO THE TERRITORIES SPECIFIED IN SCHEDULE 1

A. In the Carriage of Goods by Sea Act 1971:

1. Unless the context otherwise requires, any reference to an enactment shall be a reference to that enactment as it has effect in the Territory.
2. In section 1(3) for the reference to the United Kingdom there shall be substituted a reference to the Territory.
3. In section 2(1) between the words "Council" and "certifies" there shall be inserted the words "under this Act as it applies in the United Kingdom".
4. Sections 4, 5 and 6(2) and (3) shall be omitted.
5. In section 6(5) for the words "Her Majesty may by Order in Council" there shall be substituted:
 - (i) in the case of the British Antarctic Territory the words "the High Commissioner may by Order";
 - (ii) in the case of the Cayman Islands, Montserrat, the Turks and Caicos Islands and the British Virgin Islands the words "the Governor may by Order";
 - (iii) in the case of the Falkland Islands and Dependencies the words "the Civil Commissioner may by Order".

B. In the provisions of the Merchant Shipping Act 1981:

1. Unless the context otherwise requires, any reference to the Carriage of Goods by Sea Act 1971 shall be to that enactment as it has effect in the Territory.
2. In section 3:
 - (a) for subsections (1) and (2) there shall be substituted in the case of the Cayman Islands and Montserrat the following subsections:
 - "(1) For the purposes of Article IV of the Rules set out in the Schedule to the Carriage of Goods by Sea Act 1971 as amended by section 2 of this Act, the relevant authority may specify in dollars the respective amounts which are to be taken as equivalent for a particular day to the sums expressed in special drawing rights in that section.
 - (2) A certificate given by or on behalf of the relevant authority in pursuance of subsection (1) above shall be conclusive evidence of the matters stated therein 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, shall be deemed to be such a certificate."

- (b) in subsections (1) and (2):
 - (i) for any reference to the Treasury there shall be substituted in the case of the British Antarctic Territory, the Falkland Islands and Dependencies, the Turks and Caicos Islands and the British Virgin Islands a reference to the relevant authority;
 - (ii) for any reference to sterling there shall be substituted in the case of the Turks and Caicos Islands and the British Virgin Islands a reference to dollars;
 - (c) in subsection (3) the words following "subsection 2 above" shall be omitted and for the reference to the Treasury there shall be substituted a reference to the relevant authority.
3. In section 5(4) for the words "Her Majesty may by Order in Council" there shall be substituted:
- (i) in the case of the British Antarctic Territory the words "the High Commissioner may by Order";
 - (ii) in the case of the Cayman Islands, Montserrat, the Turks and Caicos Islands and the British Virgin Islands the words "the Governor may by Order";
 - (iii) in the case of the Falkland Islands and Dependencies the words "the Civil Commissioner may by Order".
4. Any reference to "the relevant authority" shall be a reference in the case of:
- (i) the British Antarctic Territory to the High Commissioner;
 - (ii) the Cayman Islands, the Falkland Islands and Dependencies and the Turks and Caicos Islands to the Financial Secretary;
 - (iii) Montserrat and the British Virgin Islands to the Minister of Finance.
5. Any reference to dollars shall be a reference in the case of:
- (i) the Cayman Islands to Cayman Islands dollars;
 - (ii) Montserrat to East Caribbean dollars;
 - (iii) the Turks and Caicos Islands and the British Virgin Islands to United States dollars.
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EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order extends to the territories specified in Schedule 1, with the necessary adaptations, the Carriage of Goods by Sea Act 1971, which gives effect to the International Convention for the Unification of certain Rules of Law relating to Bills of Lading signed at Brussels on 25th August 1924 (Cmd. 3806), as amended by the Protocol signed at Brussels on 23rd February 1968 (Cmd. 6944) ("the Hague-Visby Rules").

The Order also extends to those territories the provisions of the Merchant Shipping Act 1981 which amend the Carriage of Goods by Sea Act 1971 and those other provisions of the 1981 Act which give effect to the Protocol signed at Brussels on 21st December 1979 (Cmd. 7969) amending the Hague-Visby Rules. The Protocol substitutes special drawing rights for gold francs as the unit of account to be used in connection with the Rules.

The provisions of the Carriage of Goods by Sea Act 1971 and the Merchant Shipping Act 1981 will come into force on the day appointed by the High Commissioner, Governor or Civil Commissioner as the case may be.

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