

1987 No. 670

MERCHANT SHIPPING

**The Carriage of Passengers and their Luggage by Sea
(Domestic Carriage) Order 1987**

Made - - - - - *7th April 1987*

Coming into force *30th April 1987*

At the Court at Windsor Castle, the 7th day of April 1987

Present,

The Queen's Most Excellent Majesty in Council

Whereas section 14(1) and (2) of the Merchant Shipping Act 1979(a) (which provides for the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, as set out in Schedule 3 to that Act, to have the force of law in the United Kingdom) is brought into force on 30th April 1987 by the Merchant Shipping Act 1979 (Commencement No. 11) Order 1987(b):

And whereas by virtue of section 16(1) and (2) of that Act the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980(c) provides for the Athens Convention to apply to certain international and domestic contracts of such carriage (being contracts made on or after 1st January 1981) but, by virtue of Article 3 of that Order, only until such time as the said section 14(1) and (2) comes into force:

And whereas a draft of this Order has been laid before Parliament in accordance with section 16(5) of the Merchant Shipping Act 1979 and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 16(2) and (5) of the Merchant Shipping Act 1979 (hereinafter referred to as "the 1979 Act") and of all other powers enabling Her in that behalf, 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 Passengers and their Luggage by Sea (Domestic Carriage) Order 1987 and shall come into force on 30th April 1987.

2. This Order applies to the following contracts for the carriage of passengers or of passengers and their luggage by sea (being contracts for reward) made on or after 30th April 1987, that is to say any contract under which the places of departure and destination are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and under which there is no intermediate port of call outside that area.

3.—(1) Part I of Schedule 3 to the 1979 Act (which sets out the text of the Athens Convention) shall have the force of law in the United Kingdom in relation to, and to matters connected with, contracts to which this Order applies, subject to the modifications specified in the Schedule hereto and (as so modified) shall so have effect subject to the provisions of Part II of the said Schedule 3 as modified by the Schedule hereto.

(2) This Order shall bind the Crown.

4. Article 3(1) of the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980 shall have effect as if at the beginning there were inserted the words "Except in relation to contracts mentioned in paragraph (c) of Article 2 above made before 30th April 1987".

G. I. de Deney
Clerk of the Privy Council

SCHEDULE

Article 3

MODIFICATIONS TO PART I OF SCHEDULE 3 TO THE 1979 ACT

1. In Article 2, for paragraph 1 there shall be substituted:—

"1. This Convention shall apply to any carriage if under the contract of carriage the places of departure and destination are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and there is no intermediate port of call outside that area".

2. In Article 7, paragraph 2 shall be omitted.

3. In Article 17.1, the words "provided that the Court is located in a State Party to this Convention" shall be omitted.

MODIFICATION TO PART II OF SCHEDULE 3 TO THE 1979 ACT

4. Paragraph 10 of Part II of Schedule 3 to the 1979 Act shall be omitted.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which comes into force on 30th April 1987 (the day on which the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea, as set out in Schedule 3 of the Merchant Shipping Act 1979, is given the force of law in the United Kingdom), provides for the Convention to apply to the contracts of domestic carriage mentioned in Article 2, subject to the modifications referred to in Article 3.

The Order also makes a consequential amendment to the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980 (which made temporary provision for the Convention to apply to certain contracts of international and domestic carriage pending its full implementation) to secure that the Convention continues to apply in relation to contracts of domestic carriage made before 30th April 1987. Corresponding provision is made by the Merchant Shipping Act 1979 (Commencement No. 11) Order 1987 in relation to contracts for international carriage made before that date.