



# Carriage of Goods by Road Act 1965

## 1965 CHAPTER 37

### **1 Convention to have force of law.**

Subject to the following provisions of this Act, the provisions of the Convention on the Contract for the International Carriage of Goods by Road (in this Act referred to as “the Convention”), as set out in the Schedule to this Act, shall have the force of law in the United Kingdom so far as they relate to the rights and liabilities of persons concerned in the carriage of goods by road under a contract to which the Convention applies.

### **2 Designation of High Contracting Parties.**

- (1) Her Majesty may by Order in Council from time to time certify who are the High Contracting Parties to the Convention and in respect of what territories they are respectively parties.
- (2) An Order in Council under this section shall, except so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

### **3 Power of court to take account of other proceedings.**

- (1) A court before which proceedings are brought to enforce a liability which is limited by article 23 in the Schedule to this Act may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of the provisions of the said article 23 and of any other proceedings which have been, or are likely to be, commenced in the United Kingdom or elsewhere to enforce the liability in whole or in part.
- (2) Without prejudice to the preceding subsection, a court before which proceedings are brought to enforce a liability which is limited by the said article 23 shall, where the liability is, or may be, partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court, or to make any part of its award conditional on the result of any other proceedings.

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#### 4 Registration of foreign judgments.

- (1) Subject to the next following subsection, Part I of the <sup>M1</sup>Foreign Judgments (Reciprocal Enforcement) Act 1933 (in this section referred to as “the Act of 1933”) shall apply, whether or not it would otherwise have so applied, to any judgment which—
- (a) has been given in any such action as is referred to in paragraph 1 of article 31 in the Schedule to this Act, and
  - (b) has been so given by any court or tribunal of a territory in respect of which one of the High Contracting Parties, other than the United Kingdom, is a party to the Convention, and
  - (c) has become enforceable in that territory.
- (2) In the application of Part I of the Act of 1933 in relation to any such judgment as is referred to in the preceding subsection, section 4 of that Act shall have effect with the omission of subsections (2) and(3).
- (3) The registration, in accordance with Part I of the Act of 1933, of any such judgment as is referred to in subsection (1) of this section shall constitute, in relation to that judgment, compliance with the formalities for the purposes of paragraph 3 of article 31 in the Schedule to this Act.

#### Marginal Citations

M1 1933 c. 13.

#### 5 Contribution between carriers.

- (1) Where a carrier under a contract to which the Convention applies is liable in respect of any loss or damage for which compensation is payable under the Convention, nothing in [<sup>F1</sup>section 1 of the <sup>M2</sup>Civil Liability (Contribution) Act 1978], or section 3(2) of the <sup>M3</sup>Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 shall confer on him any right to recover contribution in respect of that loss or damage from any other carrier who, in accordance with article 34 in the Schedule to this Act, is a party to the contract of carriage.
- (2) The preceding subsection shall be without prejudice to the operation of article 37 in the Schedule to this Act.

#### Textual Amendments

F1 Words substituted by [Civil Liability \(Contribution\) Act 1978 \(c. 47\), Sch. 1 para.7](#)

#### Marginal Citations

M2 1978 c. 47.

M3 1940 c. 42.

#### 6 Actions against High Contracting Parties.

Every High Contracting Party to the Convention shall, for the purposes of any proceedings brought in a court in the United Kingdom in accordance with the provisions of article 31 in the Schedule to this Act to enforce a claim in respect of

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carriage undertaken by that Party, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of any High Contracting Party.

## 7 Arbitrations.

- (1) Any reference in the preceding provisions of this Act to a court includes a reference to an arbitration tribunal acting by virtue of article 33 in the Schedule to this Act.
- (2) For the purposes of article 32 in the Schedule to this Act, as it has effect (by virtue of the said article 33) in relation to arbitrations,—
  - [<sup>F2</sup>(a) as respects England and Wales and Northern Ireland, the provisions of section 14(3) to (5) of the Arbitration Act 1996 (which determine the time at which an arbitration is commenced) apply;]
  - <sup>F3</sup>(b) . . .
  - (c) as respects Scotland, an arbitration shall be deemed to be commenced when one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbiter or to agree to the appointment of an arbiter or, where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.

### Textual Amendments

- F2** S. 7(2)(a) substituted (31.1.1997) for s. 7(2)(a)(b) by 1996 c. 23, s. 107(1), **Sch. 3 para. 21** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with art 4, Sch. 2)
- F3** S. 7(2)(b) repealed (31.1.1997) by 1996 c. 23, s. 107(2), **Sch. 4** (with s. 81(2)); S.I. 1996/3146, **art. 3** (with art. 4, Sch. 2)

## 8 Resolution of conflicts between Conventions on carriage of goods.

- (1) If it appears to Her Majesty in Council that there is any conflict between the provisions of this Act (including the provisions of the Convention as set out in the Schedule to this Act) and any provisions relating to the carriage of goods for reward by land, sea or air contained in—
  - (a) any other Convention which has been signed or ratified by or on behalf of Her Majesty's Government in the United Kingdom before the passing of this Act, or
  - (b) any enactment of the Parliament of the United Kingdom giving effect to such a Convention,Her Majesty may by Order in Council make such provision as may seem to Her to be appropriate for resolving that conflict by amending or modifying this Act or any such enactment.
- (2) Any statutory instrument made by virtue of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

**C1** S. 8 explained by Carriage by [Air and Road Act 1979 \(c. 28\)](#), s. **6(1)(b)**

**[<sup>F4</sup>8A Amendments consequential on revision of Convention.**

- (1) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to any revision of the Convention, Her Majesty may by Order in Council make such amendment of—
- [ this Act; and]
- <sup>F5</sup>(a) (c) section 5(1) of the <sup>M4</sup>Carriage by Air and Road Act 1979, as appear to Her to be appropriate in consequence of the revision.
- (2) In the preceding subsection “revision” means an omission from, addition to or alteration of the Convention and includes replacement of the Convention or part of it by another convention.
- (3) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.]

**Textual Amendments**

**F4** S. 8A inserted by Carriage by [Air and Road Act 1979 \(c. 28\)](#), ss. **3(3)**, 7(2)

**F5** S. 8A(1)(a) substituted for paras. (a) and (b) by [International Transport Conventions Act 1983 \(c. 14, SIF 102\)](#), s. 9, **Sch. 2 para. 2**

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

**C2** S. 8A explained by Carriage by [Air and Road Act 1979 \(c. 28\)](#), s. **6(1)(b)**

**Marginal Citations**

**M4** 1979 c. 28.

**9 Application to British possessions, etc.**

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—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony;
- <sup>F6</sup>(d) .....

**Textual Amendments**

**F6** S. 9(d) repealed (5.11.1993) by [1993 c. 50, s.1\(1\)](#), **Sch. 1 Pt. XV** Gp. 1.

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

**C3** S. 9 explained by Carriage by [Air and Road Act 1979 \(c. 28\)](#), s. **6(1)(b)**

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## 10 Application to Scotland.

In its application to Scotland, the Schedule to this Act shall have effect as if—

- (a) any reference therein to a plaintiff included a reference to a pursuer;
- (b) any reference therein to a defendant included a reference to a defender; and
- (c) any reference to security for costs included a reference to cautions for expenses.

## 11 Application to Northern Ireland.

- (1) In the application of this Act to Northern Ireland, any reference to an enactment of the Parliament of Northern Ireland shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modification.
- (2) In the application of section 4 of this Act to Northern Ireland, any reference to the <sup>M5</sup>Foreign Judgments (Reciprocal Enforcement) Act 1933 is a reference to that Act as it applies in Northern Ireland.
- (3) ..... <sup>F7</sup>

### Textual Amendments

**F7** S. 11(3) repealed by [Northern Ireland Constitution Act 1973 \(c. 36\)](#), [Sch. 6 Pt. I](#)

### Marginal Citations

**M5** 1933 c. 13.

## 12 Orders in Council.

An Order in Council made under any of the preceding provisions of this Act may contain such transitional and supplementary provisions as appear to Her Majesty to be expedient and may be varied or revoked by a subsequent Order in Council made under that provision.

## 13 Application to Crown.

This Act shall bind the Crown.

## 14 Short title, interpretation and commencement.

- (1) This Act may be cited as the Carriage of Goods by Road Act 1965.
- (2) The persons who, for the purposes of this Act, are persons concerned in the carriage of goods by road under a contract to which the Convention applies are—
  - (a) the sender,
  - (b) the consignee,
  - (c) any carrier who, in accordance with article 34 in the Schedule to this Act or otherwise, is a party to the contract of carriage,

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- (d) any person for whom such a carrier is responsible by virtue of article 3 in the Schedule to this Act,
  - (e) any person to whom the rights and liabilities of any of the persons referred to in paragraphs (a) to (d) of this subsection have passed (whether by assignment or assignation or by operation of law).
- (3) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.
- (4) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint; but nothing in this Act shall apply in relation to any contract for the carriage of goods by road made before the day so appointed.

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

C4 5.6.1967 appointed under s. 14(4) by [S.I.1967/819](#)

**Changes to legislation:**

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