



Merchant Shipping (Liner Conferences) Act 1982

CHAPTER 37

MERCHANT SHIPPING (LINER CONFERENCES) ACT 1982

Main implementing provisions

- 1 Introductory provisions: the Code and the Contracting Parties to it.
- 2 Implementing regulations: the general scheme.
- 3 Matters which may be provided for by regulations.
- 4 Power to exclude or restrict operation of the Code for lack of reciprocity.

Proceedings arising out of the Code

- 5 Liability of members of conference to be in proportion to their responsibility.
- 6 Proceedings by or against unincorporated conferences.
- 7 Restrictions on legal proceedings.
- 8 Time for bringing legal proceedings.
- 9 Recognition and enforcement of recommendations, etc. of conciliators.

Other supplementary provisions

- 10 Secretary of State to be appropriate authority in the U.K.
- 11 Exclusion of restrictive practices law.
- 12 Modifications consequent on revision of Code, etc.
- 13 Regulations and orders: consultation and Parliamentary control.

General

- 14 Interpretation.

15 Short title, commencement and extent.

SCHEDULE — THE TEXT OF THE CODE
— ARRANGEMENT OF PROVISIONS

OBJECTIVES AND PRINCIPLES

PART ONE

CHAPTER I

DEFINITIONS

Liner conference or conference

National shipping line

Third-country shipping line

Shipper

Shippers' organisation

Goods carried by the conference

Appropriate authority

Promotional freight rate

Special freight rate

CHAPTER II

RELATIONS AMONG MEMBER LINES

Article 1 Membership

- 1 Any national shipping line shall have the right to be...
- 2 A shipping line applying for membership of a conference shall...
- 3 In considering an application for membership by a shipping line...
- 4 An application for admission or readmission to membership shall be...
- 5 When considering applications for admission, a conference shall take into...
- 6 In addition to the criteria for admission set out in...

Article 2 Participation in Trade

- 1 Any shipping line admitted to membership of a conference shall...
- 2 When a conference operates a pool, all shipping lines members...
- 3 For the purpose of determining the share of trade which...
- 4 When determining a share of trade within a pool of...

- 5 If, for any one of the countries whose trade is...
- 6 If the national shipping lines of one country decide not...
- 7 If the national shipping lines of the countries concerned do...
- 8 The national shipping lines of a region, members of a...
- 9 Subject to the provisions of article 2, paragraphs 4 to...
- 10 The application of the present article shall commence as soon...
- 11 Shipping lines members of a conference shall be entitled to...
- 12 The criteria for sharing and the revision of shares as...
- 13 Where no pooling, berthing, sailing or other trade participation agreements...
- 14 In the event of a disagreement between the national shipping...
- 15 Other shipping lines, members of a conference, may also request...
- 16 A conference shall provide for appropriate measures in any conference...
- 17 The provisions of article 2, paragraphs 1 to 16 inclusive...

Article 3 Decision-making Procedures

Article 4 Sanctions

- 1 A shipping line member of a conference shall be entitled,...
- 2 A conference may, upon notice to be specified in the...
- 3 No expulsion or suspension shall become effective until a statement...
- 4 Upon withdrawal or expulsion, the line concerned shall be required...

Article 5 Self-Policing

- 1 A conference shall adopt and keep up to date an...

Article 6 Conference Agreements

CHAPTER III

RELATIONS WITH SHIPPERS

Article 7 Loyalty Arrangements

- 1 The shipping lines members of a conference are entitled to...
- 2 Whatever loyalty arrangements are made, the freight rate applicable to...
- 3 The terms of loyalty arrangements shall provide safeguards making explicit...
- 4 If there is a dispute between a conference and a...

Article 8 Dispensation

- 1 Conferences shall provide, within the terms of the loyalty arrangements,...

Article 9 Availability of Tariffs and Related Conditions and/or Regulations

Article 10 Annual Reports

Article 11 Consultation Machinery

- 1 There shall be consultations on matters of common interest between...

- 2 The following matters, inter alia, may be the subject of consultation:...
- 3 To the extent that they fall within the scope of...
- 4 Consultations shall be held before final decisions are taken, unless...
- 5 Consultations shall begin without undue delay and in any event...
- 6 When holding consultations, the parties shall use their best efforts...

CHAPTER IV

FREIGHT RATES

Article 12 Criteria for Freight-Rate Determination

Article 13 Conference Tariffs and Classification of Tariff Rates

- 1 Conference tariffs shall not unfairly differentiate between shippers similarly situated....
- 2 Conference tariffs should be drawn up simply and clearly, containing...

Article 14 General Freight-Rate Increases

- 1 A conference shall give notice of not less than 150...
- 2 At the request of any of the parties prescribed for...
- 3 A conference, in an effort to expedite consultations, may or...
- 4 If agreement is reached as a result of the consultations,...
- 5 If no agreement is reached within 30 days of the...
- 6 Subject to the provisions of article 14, paragraph 9, a...
- 7 A deferred rebate which is due to the shipper and...
- 8 If the trade of a country carried by shipping lines...
- 9 Conferences should institute any general freight-rate increase effective in accordance...

Article 15 Promotional Freight Rates

- 1 Promotional freight rates for non-traditional exports should be instituted by...
- 2 All necessary and reasonable information justifying the need for a...
- 3 Special procedures shall be instituted providing for a decision within...
- 4 Information regarding the procedures for considering applications for promotional freight...
- 5 A promotional freight rate shall be established normally for a...
- 6 When examining a request for a promotional freight rate, the...
- 7 Promotional freight rates are not excluded from the imposition of...
- 8 Each shipping line member of a conference serving the relevant...

Article 16 Surcharges

- 1 Surcharges imposed by a conference to cover sudden or extraordinary...
- 2 Surcharges imposed on cargo moving to or from a particular...
- 4 Unless the parties agree otherwise, within a period of 15...
- 5 In the event of a surcharge being imposed, in exceptional...
- 6 Financial loss incurred by the shipping lines members of a...

Article 17 Currency Changes

- 1 Exchange rate changes, including formal devaluation or revaluation, which lead...
- 2 Such adjustments or changes shall be subject to notice, which...
- 3 If no agreement is reached within 15 days through consultations,...
- 4 The provisions of article 16, paragraph 6 shall apply, adapted...

CHAPTER V

OTHER MATTERS

Article 18 Fighting Ships

Article 19 Adequacy of Service

- 1 Conferences should take necessary and appropriate measures to ensure that...
- 2 Conferences and other parties prescribed in this Code as entitled...
- 3 In respect of any port for which conference services are...

Article 20 Head Office of a Conference

Article 21 Representation

Article 22 Contents of Conference Agreements, Trade Participation Agreements and Loyalty Arrangements

PART TWO

CHAPTER VI

PROVISIONS AND MACHINERY FOR SETTLEMENT OF DISPUTES

A. GENERAL PROVISIONS

Article 23

- 1 The provisions of this chapter shall apply whenever there is...
- 2 Disputes between shipping lines of the same flag, as well...
- 3 The parties to a dispute shall first attempt to settle...
- 4 Disputes between the parties referred to in article 23, paragraph...

Article 24

- 1 The conciliation procedure is initiated at the request of one...
- 2 The request shall be made: (a) In disputes relating to...
- 3 The provisions of article 24, paragraph 2 shall not apply...
- 4 Requests for conciliation in disputes other than those referred to...
- 5 The time-limits specified in article 24, paragraph 2 may be...
- 6 A request for conciliation shall be considered to have been...
- 7 Where no request has been made within the time-limits specified...

Article 25

- 1 Where the parties have agreed that disputes referred to in...

- 2 The provisions of article 25, paragraph 1 apply also to...
- 3 Where conciliation proceedings have been initiated, such proceedings shall have...

Article 26

- 1 The Contracting Parties shall confer upon conferences and shippers' organizations...
- 2 Acceptance or rejection by a conference or shippers' organization of...

Article 27

B. INTERNATIONAL MANDATORY CONCILIATION

Article 28

Article 29

- 1 In international mandatory conciliation the proceedings shall be held in...
- 2 In determining the place of conciliation proceedings the parties and...

Article 30

- 1 For the purposes of this chapter an international panel of...
- 2 Each Contracting Party may at any time nominate members of...
- 3 The Registrar shall maintain the panel list and shall regularly...

Article 31

- 1 The purpose of conciliation is to reach an amicable settlement...
- 2 The conciliators shall identify and clarify the issues in dispute...
- 3 The parties shall co-operate in good faith with the conciliators...
- 4 Subject to the provisions of article 25, paragraph 2, the...

Article 32

- 1 The conciliation proceedings shall be conducted either by one conciliator...
- 2 Where the parties cannot agree on the number or the...
- 3 If the reply does not name a conciliator to be...
- 4 Where the conciliators appointed in accordance with article 32, paragraphs...

Article 33

- 1 Where several parties request conciliation with the same respondent in...
- 2 The request for consolidation shall be considered and decided upon...

Article 34

Article 35

- 1 The recommendations of the conciliators shall be made in accordance...
- 2 When the Code is silent upon any point, the conciliators...
- 3 The conciliators shall not decide ex aequo et bono upon the dispute...

- 4 The conciliators shall not bring a finding of non liquet on the...
- 5 The conciliators may recommend those remedies and reliefs which are...

Article 36

Article 37

- 1 Unless the parties have agreed before, during or after the...
- 2 Acceptance of the recommendation must be communicated by the parties...
- 3 Any party which does not accept the recommendation shall notify...
- 4 When the recommendation has been accepted by the parties, the...
- 5 A recommendation which has become binding upon the parties shall...
- 6 Any party may make its acceptance conditional upon acceptance by...

Article 38

- 1 A recommendation shall constitute a final determination of a dispute...
- 2 “Recommendation” includes an interpretation, clarification or revision of the recommendation...

Article 39

- 1 Each Contracting Party shall recognize a recommendation as binding between...
- 2 A recommendation shall not be recognized and enforced at the...
- 3 Any part of the recommendation shall not be enforced and...

Article 40

- 1 Where the recommendation has been accepted by all the parties,...
- 2 Where the recommendation has been rejected by one or more...
- 3 Where the recommendation has not been accepted by any of...

Article 41

- 1 Documents and statements containing factual information supplied by any party...
- 2 Such documents and statements supplied by a party may be...

Article 42

Article 43

- 1 (a) The costs of the conciliators and all costs of...
- 2 Each party shall bear all expenses it incurs in connexion...
- 3 Notwithstanding the provisions of article 43, paragraphs 1 and 2,...

Article 44

- 1 Failure of a party to appear or to present its...
- 2 Before closing the proceedings, the conciliators shall grant the party...
- 3 Failure to observe procedural time-limits laid down in this Code...
- 4 Where the proceedings have been closed owing to one party's...

Article 45

- 1 The conciliators shall follow the procedures stipulated in this Code....
- 2 The rules of procedure annexed to the present Convention shall...
- 3 If the parties agree that it may be in the...
- 4 The conciliators shall formulate their recommendation by consensus or failing...
- 5 The conciliation proceedings shall finish and the recommendation of the...

C. INSTITUTIONAL MACHINERY

Article 46

- 1 Six months before the entry into force of the present...
- 2 The Registrar shall perform the following functions in consultation with...

CHAPTER VII

FINAL CLAUSES

Article 47 Implementation

- 1 Each Contracting Party shall take such legislative or other measures...
- 2 Each Contracting Party shall communicate to the Secretary-General of the...

Article 48 Signature, Ratification, Acceptance, Approval and Accession

- 1 The present Convention shall remain open for signature as from...
- 2 All States are entitled to become Contracting Parties to the...
- 3 Ratification, acceptance, approval or accession shall be effected by the...

Article 49 Entry Into Force

- 1 The present Convention shall enter into force six months after...
- 2 For each State which thereafter ratifies, accepts, approves or accedes...
- 3 Any State which becomes a Contracting Party to the present...

Article 50 Denunciation

- 1 The present Convention may be denounced by any Contracting Party...
- 2 Denunciation shall be notified to the depositary in writing, and...

Article 51 Amendments

- 1 Any Contracting Party may propose one or more amendments to...
- 2 Each proposed amendment circulated in accordance with article 51, paragraph...
- 3 If no objection has been communicated, the amendment shall enter...

Article 52 Review Conferences

- 1 A Review Conference shall be convened by the depositary five...
- 2 The depositary shall, four years from the date on which...

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

- 3 Further review conferences shall be similarly convened every five years,...
- 4 Notwithstanding the provisions of article 52, paragraph 1, if the...

Article 53 Functions of the Depository

- 1 The depository shall notify the signatory and acceding States of:...
- 2 The depository shall also undertake such actions as are necessary...

Article 54 Authentic Texts—DEPOSIT

ANNEX TO THE — **MODEL RULES OF PROCEDURE FOR**
CONVENTION **INTERNATIONAL MANDATORY CONCILIATION**

Rule 1

- 1 Any party wishing to institute conciliation proceedings under the Code...
- 2 The statement of claim shall: (a) Designate precisely each party...
- 3 The statement of claim shall be dated and shall be...

Rule 2

- 1 If the respondent decides to reply to the claim, he...
- 2 The reply shall: (a) Contain a summary statement of pertinent...
- 3 The reply shall be dated and shall be signed by...

Rule 3

- 1 Any person or other interest desiring to participate in conciliation...
- 2 If participation in accordance with (a) of article 34 is...
- 3 If participation in accordance with (b) of article 34 is...
- 4 Any objection to a request for joinder by such a...
- 5 In the event that two or more proceedings are consolidated,...

Rule 4

Rule 5

- 1 Any party may challenge a conciliator where circumstances exist that...
- 2 Notice of challenge, stating reasons therefor, should be made prior...
- 3 A conciliator who has died, resigned, become incapacitated or disqualified...
- 4 Proceedings interrupted in this way shall continue from the point...

Rule 6

Rule 7

- 1 The conciliators shall receive and consider all written statements, documents...
- 2 (a) Each party may submit to the conciliators any material...

Rule 8

- 1 Whenever a period of days for the doing of any...
- 2 When the time provided for is less than seven days,...

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Rule 9

Rule 10

- 1 The conciliators shall fix the order of business and, unless...
- 2 Unless the parties otherwise agree, the proceedings shall take place...
- 3 The conciliators shall specifically inquire of all the parties whether...

Rule 11

Rule 12

Rule 13

Changes to legislation:

There are currently no known outstanding effects for the Merchant Shipping(Liner Conferences) Act 1982.