
Changes to legislation: Merchant Shipping Act 1995, Paragraph 45 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AMENDMENTS

Carriage of Goods by Sea Act 1971 (c. 19)

- 45 (1) The Carriage of Goods by Sea Act 1971 shall be amended as follows (“the Rules” meaning the Rules set out in the Schedule to that Act).
- (2) Section 1 shall continue to have effect with the addition, after “1968”, of “ and by the Protocol signed at Brussels on 21st December 1979 ”.
- (3) After section 1 insert the following section—

“1A Conversion of special drawing rights into sterling.

- (1) For the purposes of Article IV of the Rules the value on a particular day of one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—
- for that day; or
 - if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed.
- (2) A certificate given by or on behalf of the Treasury stating—
- that a particular sum in sterling has been fixed as aforesaid for a particular day; or
 - that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,
- shall be conclusive evidence of those matters 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, be deemed to be such a certificate.
- (3) The Treasury may charge a reasonable fee for any certificate given in pursuance of subsection (2) above, and any fee received by the Treasury by virtue of this subsection shall be paid into the Consolidated Fund.”
- (4) For section 6(4) substitute—
- “(4) It is hereby declared that for the purposes of Article VIII of the Rules section 186 of the Merchant Shipping Act 1995 (which entirely exempts shipowners and others in certain circumstances for loss of, or damage to, goods) is a provision relating to limitation of liability.”

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- (5) Article IV of the Rules shall continue to have effect with the following amendments—
- (a) for “the equivalent of 10,000 francs” substitute “ 666.67 units of account ”;
 - (b) for “30 francs per kilo” substitute “ 2 units of account per kilogramme ”; and
 - (c) for paragraph 5(d) substitute—
 - “(d) The unit of account mentioned in this Article is the special drawing right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case.”
- (6) Article 4, paragraph 5(d) of the Rules shall continue to have effect as if the date there mentioned were the date of the judgment in question.
- (7) Article X of the Rules shall continue to have effect as if references to a Contracting State included references to a State that is a contracting State in respect of the Rules without the amendments made by the Protocol signed at Brussels on 21st December 1979 as well as to one that is a contracting State in respect of the Rules as so amended, and section 2 shall have effect accordingly.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 145(2)(a)(ia) inserted by [2003 c. 44 Sch. 36 para. 13\(2\)](#)
- s. 145(2)(a)(ia) words substituted by [2015 c. 2 Sch. 11 para. 16\(2\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2)(a)(ia) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)
- s. 145(2A) inserted by [2003 c. 44 Sch. 36 para. 13\(3\)](#)
- s. 145(2A) words substituted by [2015 c. 2 Sch. 11 para. 16\(3\)](#) (This amendment not applied to legislation.gov.uk. The insertion of s. 145(2A) by 2003 c. 44, Sch. 36 para. 13 is still prospective.)