

1977 No. 981 (C. 35)

MERCHANT SHIPPING

The Carriage of Goods by Sea Act 1971 (Commencement)
Order 1977

Made - - - - 8th June 1977

At the Court at Buckingham Palace, the 8th day of June 1977

Present,

The Queen's Most Excellent Majesty in Council

Whereas by subsection (5) of section 6 of the Carriage of Goods by Sea Act 1971(a) (hereinafter referred to as "the Act") it is enacted that the Act shall come into force on such day as Her Majesty may by Order in Council appoint, and that, for the purposes of the transition from the law in force immediately before the day appointed under that subsection to the provisions of the Act, the Order appointing the day may provide that those provisions shall have effect subject to such transitional provisions as may be contained in the Order:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by the said subsection, 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:—

Citation and interpretation

1.—(1) This Order may be cited as the Carriage of Goods by Sea Act 1971 (Commencement) Order 1977.

(2) The Interpretation Act 1889(b) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Appointed day

2. The Act shall come into force on 23rd June 1977 (hereinafter referred to as "the appointed day").

(a) 1971 c. 19.

(b) 1889 c. 63.

Transitional provisions

3. The provisions of section 6(3)(a) of the Act (which repeal the Carriage of Goods by Sea Act 1924(a)) (hereinafter referred to as “the 1924 Act”) and of Article 2 of this Order shall have effect so that, notwithstanding the said repeal, the 1924 Act shall continue to apply in relation to—

- (a) bills of lading and similar documents of title issued before the appointed day; and
- (b) bills of lading and similar documents of title issued on or after the appointed day but before 23rd December 1977 pursuant to contracts entered into before the appointed day.

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

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order appoints 23rd June 1977 as the day on which the Carriage of Goods by Sea Act 1971 comes into force (“the appointed day”).

The 1971 Act was enacted to enable effect to be given to the 1968 Protocol to the International Convention for the Unification of certain Rules of Law relating to Bills of Lading 1924 (Cmnd. 3743) (“the Hague Rules”), which has been ratified by the United Kingdom and comes into force on the same day as the appointed day.

The 1971 Act repeals the Carriage of Goods by Sea Act 1924 containing the Hague Rules before amendment by the Protocol. (The Hague Rules, as amended by the Protocol, are set out in the Schedule to the 1971 Act.) But the Order makes transitional provisions, the effect of which is that the 1924 Act continues to apply in relation to bills of lading issued before the appointed day, and to bills of lading issued on or after the appointed day but before 23rd December 1977 pursuant to contracts entered into before the appointed day.

(a) 1924 c. 22.

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