
 STATUTORY INSTRUMENTS

1980 No. 1125

MERCHANT SHIPPING

The Carriage of Passengers and their Luggage by Sea (Interim Provisions) (Notice) Order 1980

<i>Made</i> - - - -	30th July 1980
<i>Laid before Parliament</i>	7th August 1980
<i>Coming into Operation</i>	1st January 1981

The Secretary of State, in exercise of the powers conferred by paragraph 11 of Part II of Schedule 3 to the Merchant Shipping Act 1979(a) (hereinafter called "the 1979 Act"), as applied by Article 3(2) of the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980(b), and of all other powers enabling him in that behalf, hereby makes the following Order:—

1.—(1) This Order may be cited as the Carriage of Passengers and their Luggage by Sea (Interim Provisions) (Notice) Order 1980 and shall come into operation on 1st January 1981.

(2) In this Order:

"carrier" "luggage" and "passenger" have the same meanings as in Article 1 of the Convention relating to the Carriage of Passengers and their Luggage by Sea 1974 (hereinafter referred to as "the Athens Convention"), as set out in Part I of Schedule 3 to the 1979 Act;

"the principal Order" means the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980.

2.—(1) In relation to any contract of carriage to which the principal Order applies, the carrier shall give to the passenger notice of those provisions of the Athens Convention specified in the Schedule hereto.

(2) Such notice shall be given before departure and it shall be sufficient compliance with paragraph (1) if the notice contains a statement that:

- (a) the provisions of the Athens Convention may be applicable; and
- (b) the Athens Convention in most cases limits the carrier's liability for death or personal injury or loss of or damage to luggage (including a vehicle) and makes special provision for valuables; and
- (c) the Athens Convention presumes that luggage has been delivered undamaged unless written notice is given to the carrier:
 - (i) in the case of apparent damage, before or at the time of disembarkation or re-delivery, or
 - (ii) in the case of damage which is not apparent or of loss, within 15 days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place:

Provided that where a ticket is issued, and it is practicable to do so, the ticket itself shall contain a statement specifying the matters set out in subparagraphs (a) to (c).

(a) 1979 c. 39.

(b) S.I. 1980/1092.

3. Any carrier who fails to comply with Article 2 above shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £500.

30th July 1980.

Norman Tebbit,
Parliamentary Under-Secretary of State,
Department of Trade.

SCHEDULE

Article 2(1)

PROVISIONS OF THE ATHENS CONVENTION OF WHICH NOTICE MUST BE GIVEN TO PASSENGERS

- Article 5—Valuables;
- Article 7—Limit of liability for personal injury;
- Article 8—Limit of liability for loss of, or damage to, luggage;
- Article 15—Notice of loss or damage to luggage.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order requires a carrier, in relation to any contract of carriage to which the Carriage of Passengers and their Luggage by Sea (Interim Provisions) Order 1980 applies, to give to passengers notice of specified provisions of the Convention relating to the Carriage of Passengers and their Luggage by Sea 1974 (the Athens Convention). Those provisions relate to valuables, the limit of the carrier's liability for death or personal injury and for loss of or damage to luggage (including a vehicle), and the notice to be given by the passenger in respect of loss or damage to luggage. Notice must be given by the carrier before departure and, where practicable, on the ticket itself.