STATUTORY INSTRUMENTS

1986 No. 1882

ROAD TRAFFIC

The Carriage of Goods by Road (Guernsey) Order 1986

Made - - - - - 5*th November* 1986

Coming into Operation 7*th January* 1987

At the Court at Buckingham Palace, the 5th day of November 1986

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 9 and 12 of the Carriage of Goods by Road Act 1965**(a)**, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Carriage of Goods by Road (Guernsey) Order 1986 and shall come into operation on 7th January 1987.

2. The Carriage of Goods by Road Act 1965**(b)** shall extend to the Bailiwick of Guernsey subject to the exceptions, adaptations and modifications specified in Part I of the Schedule to this Order and the transitional and supplementary provisions contained in Part II of the Schedule.

3. The Carriage of Goods by Road (Guernsey) Order 1971**(c)** is hereby revoked.

G. I. de Deney,
Clerk of the Privy Council.

(a) 1965 c. 37; section 9 is referred to in the declaration in section 6(1) of the Carriage by Air and Road Act 1979 (c. 28).

(b) Section 5(1) was amended by Schedule 1 to the Civil Liability (Contribution) Act 1978 (c. 47); section 8A was inserted by section 3(3) of the Carriage by Air and Road Act 1979 and the Schedule was amended by section 4(2) of that Act; subsection (1) of section 8A was amended by Schedule 2 to the International Transport Conventions Act 1983 (c. 14).

(c) S.I. 1971/1743.

SCHEDULE Article 2

PART I

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE CARRIAGE OF GOODS BY ROAD ACT 1965 TO GUERNSEY

1. In section 1, for the words "United Kingdom" there shall be substituted the words "Bailiwick of Guernsey".

2. At the end of section 2 there shall be added the following subsection:—

"(3) An Order in Council made under this section as it has effect in the United Kingdom shall also have effect in the Bailiwick of Guernsey.".

3. In section 3(1) and (2), for the words "United Kingdom" there shall be substituted the words "Bailiwick of Guernsey".

4.—(1) In section 4(1), for the words "Part I of the Foreign Judgments (Reciprocal Enforcement) Act 1933" there shall be substituted the words "Part II of the Judgments (Reciprocal Enforcement) (Guernsey) Law 1957" and for the words "Act of 1933" there shall be substituted the words "Law of 1957".

(2) In section 4(2), for the words "Part I of the Act of 1933" there shall be substituted the words "Part II of the Law of 1957" and for the words "section 4 of that Act" there shall be substituted the words "section 6 of that Law".

(3) In section 4(3), for the words "Part I of the Act of 1933" there shall be substituted the words "Part II of the Law of 1957".

5. In section 5(1), for the words "section 1 of the Civil Liability (Contribution) Act 1978 or section 3(2) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940" there shall be substituted the words "section 18(1)(*c*) of the Law Reform (Tort) (Guernsey) Law 1979".

6. In section 6, for the words "United Kingdom" there shall be substituted the words "Bailiwick of Guernsey" and the words "or in Scotland the execution of diligence" shall be omitted.

7. Section 7(2) shall be omitted.

8. For section 8(2) there shall be substituted the following subsection:—

"(2) An Order in Council made under this section as it has effect in the United Kingdom shall also have effect in the Bailiwick of Guernsey insofar as the enactment amended or modified extends to the Bailiwick.".

9. For section 8A(3) there shall be substituted the following subsections:—

"(3) An Order in Council made under this section as it has effect in the United Kingdom shall also have effect in the Bailiwick of Guernsey insofar as the enactment amended extends to the Bailiwick.

(4) Insofar as an Order in Council made under subsection (1)(*c*) of this section amends an enactment which does not extend to the Bailiwick of Guernsey, the Order shall have effect there as if for references to that enactment there were substituted references to any corresponding provision contained in an Order in Council under section 9 of this Act by virtue of section 12 of this Act.".

10. Sections 9, 10 and 11 shall be omitted.

11. For section 14(4) there shall be substituted the following subsection:—

"(4) Nothing in this Act shall apply in relation to any contract for the carriage of goods by road made before 15th November 1971.".

PART II

TRANSITIONAL AND SUPPLEMENTARY PROVISIONS

12. If judgment in respect of a liability limited by Article 23 in the Schedule to the Act of 1965 is given after the coming into operation of this Order, then notwithstanding that the liability arose before the coming into operation of this Order, the judgment shall be in accordance with Article 23 as amended by section 4(2) of the Act of 1979.

13. For the purposes of Article 23 in the Schedule to the Act of 1965, as amended by section 4(2) of the Act of 1979, 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—

(*a*) for that day; or

(*b*) 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.

14. In this Schedule the expression—

"Act of 1965" means the Carriage of Goods by Road Act 1965; and

"Act of 1979" means the Carriage by Air and Road Act 1979.

EXPLANATORY NOTE

(*This Note is not part of the Order.*)

This Order revokes and replaces the Carriage of Goods by Road (Guernsey) Order 1971. This Order extends to the Bailiwick of Guernsey with the exceptions, adaptations and modifications specified in Part I of the Schedule to the Order the Carriage of Goods by Road Act 1965, as amended by the Carriage by Air and Road Act 1979. The Act of 1965 gives effect to the Convention on the Contract for the International Carriage of Goods by Road done at Geneva on 19th May 1956 (Cmnd. 3455). The Act of 1979 replaces references to gold francs in the Act of 1965 with references to special drawing rights, thereby giving effect to the Protocol to that Convention done at Geneva on 5th July 1978 (Cmnd. 7480).

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