STATUTORY INSTRUMENTS

1982 No. 1662

MERCHANT SHIPPING

The Carriage of Goods by Sea (Bermuda) Order 1982

Made - - - - - 24*th November* 1982

Coming into Operation 1*st December* 1982

At the Court at Buckingham Palace, the 24th day of November 1982

Present,
The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 4 of the Carriage of Goods by Sea Act 1971**(a)** and section 4(2) of the Merchant Shipping Act 1981**(b)**, 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 Sea (Bermuda) Order 1982 and shall come into operation on 1st December 1982.

2. (*a*) The provisions of the Merchant Shipping Act 1981 specified in paragraph (*b*) below shall extend to Bermuda subject to the exceptions, adaptations and modifications specified in the Schedule to this Order.

(*b*) The provisions referred to in paragraph (*a*) above are section 2; section 3 in so far as it relates to section 2; section 5(3) and the Schedule in so far as they relate to the Carriage of Goods by Sea Act 1971; and section 5(4) and (5) in so far as those subsections relate to the provisions specified in this paragraph.

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

Article 2

SCHEDULE

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE EXTENSION OF THE PROVISIONS OF THE MERCHANT SHIPPING ACT 1981 TO BERMUDA

1. Unless the context otherwise requires, any reference to the Carriage of Goods by Sea Act 1971 or to any other enactment shall be to that enactment as it has effect in Bermuda.

(a) 1971 c. 19; the Act was extended to Bermuda by S.I. 1980/1507.
(b) 1981 c. 10.

2. In section 3:

(*a*) for subsections (1) and (2) there shall be substituted the following subsections:—

"(1) For the purposes of Article IV of the Rules set out in the Schedule to the Carriage of Goods by Sea Act 1971 as amended by section 2 of this Act, the Monetary Authority may specify in Bermuda dollars the respective amounts which are to be taken as equivalent for a particular day to the sums expressed in special drawing rights.

(2) A certificate given by or on behalf of the Monetary Authority in pursuance of subsection (1) above shall be conclusive evidence of the matters stated therein 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.";

(*b*) in subsection (3) the words following "subsection (2) above" shall be omitted and for the reference to the Treasury there shall be substituted a reference to the Monetary Authority.

3. In section 5(4) for the words "Her Majesty may by Order in Council" there shall be substituted the words "the Governor may by Order".

EXPLANATORY NOTE

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

This Order extends to Bermuda those provisions of the Merchant Shipping Act 1981 which amend the Carriage of Goods by Sea Act 1971 and those other provisions of the 1981 Act which give effect to the Protocol signed at Brussels on 21st December 1979 (Cmnd. 7969) amending the International Convention for the Unification of certain Rules of Law relating to Bills of Lading signed at Brussels on 25th August 1924 (Cmd. 3806), as amended by the Protocol signed at Brussels on 23rd February 1968 (Cmnd. 6944) ("the Hague–Visby Rules"). The 1979 Protocol substitutes special drawing rights for gold francs as the unit of account to be used in connection with the Hague–Visby Rules.

The provisions of the Merchant Shipping Act 1981 will come into force in Bermuda on the day appointed by the Governor.

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