STATUTORY INSTRUMENTS

1980 No. 1092

MERCHANT SHIPPING

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

Laid before Parliament in draft

Made - - - - 28*th July* 1980

Coming into Operation 1*st January* 1981

At the Court at Buckingham Palace, the 28th day of July 1980

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament in accordance with section 16(5) of the Merchant Shipping Act 1979(**a**) and has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 16(1), (2) and (5) of the Merchant Shipping Act 1979 (hereinafter referred to as "the 1979 Act") 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, commencement and interpretation

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

(2) In this Order "international carriage" has the same meaning as in Article 1.9 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.

Application

2. This Order applies to the following contracts for the carriage of passengers or of passengers and their luggage by sea (being contracts for reward) made on or after 1st January 1981, that is to say:—

(*a*) any contract for international carriage which is made in the United Kingdom;

(*b*) any contract for international carriage under which a place in the United Kingdom is the place of departure or destination;

(*c*) any contract under which the places of departure and destination are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and under which there is no intermediate port of call outside that area.

(**a**) 1979 c. 39.

Application and modification of the Athens Convention

3.—(1) Paragraph (2) of this Article shall have effect only until such time as subsections (1) and (2) of section 14 of the 1979 Act (which provide for the Athens Convention to have the force of law in the United Kingdom and for certain related provisions to have effect) come into force.

(2) Part I of Schedule 3 to the 1979 Act (which sets out the text of the Athens Convention) shall have the force of law in the United Kingdom in relation to, and to matters connected with, contracts to which this Order applies, subject to the modifications specified in the Schedule hereto and (as so modified) shall so have effect subject to the provisions of Part II of the said Schedule 3 as modified by the Schedule hereto.

(3) This Order shall bind the Crown.

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

Article 3 SCHEDULE

Modifications to Part I of Schedule 3 of the 1979 Act

1. In Article 2, for paragraph 1 there shall be substituted—

"1. This Convention shall apply to any carriage if:

(*a*) it is international carriage and the contract of carriage is made in the United Kingdom; or

(*b*) it is international carriage and, under the contract of carriage, a place in the United Kingdom is the place of departure or destination; or

(*c*) under the contract of carriage, the places of departure and destination are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and there is no intermediate port of call outside that area".

2. In Article 7, paragraph 2 shall be omitted.

3. In Article 17.1, the words "provided that the Court is located in a State Party to this Convention" shall be omitted.

Modification to Part II of Schedule 3 to the 1979 Act

4. Paragraph 10 of Part II of Schedule 3 to the 1979 Act shall be omitted.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order (which binds the Crown) provides that, pending the coming into force internationally of the Athens Convention relating to the Carriage of Passengers and their Luggage by Sea 1974, the Convention (as set out in Schedule 3 to the Merchant Shipping Act 1979) shall, subject to modifications, have the force of law in the United Kingdom, but only:

(*a*) where a contract of international carriage is made in the United Kingdom; or where, under a contract of international carriage, the United Kingdom is the place of departure or destination; or

(*b*) where, under a contract of carriage, the places of departure and destination are in the area consisting of the United Kingdom, the Channel Islands and the Isle of Man and there is no intermediate port of call outside that area,

and the contract is made on or after 1st January 1981.

The Convention will have effect subject to (*a*) the modifications specified in the Schedule to this Order; and (*b*) the provisions of Part II of Schedule 3 to the 1979 Act, as modified.

Section 28 of the Unfair Contract Terms Act 1977 (c.50) (which made temporary provision for contracts for the carriage of passengers and their luggage by sea, pending the provisions of the Athens Convention having the force of law in the United Kingdom) ceases, upon the date of the coming into operation of this Order, to apply to any contract to which this Order applies, but it continues to apply to any contract made before that date.