

**FIRST SUPPLEMENT TO THE GIBRALTAR  
GAZETTE**

No. 2,238 of 28th JUNE, 1985

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I ASSENT,

DAVID WILLIAMS

GOVERNOR

28th June, 1985.



**GIBRALTAR**

**No. 16 of 1985.**

AN ORDINANCE to amend the Carriage of Goods by Sea Ordinance 1977 (No. 25 of 1977).

ENACTED by the Legislature of Gibraltar.

**Short title and commencement**

1. (1) This Ordinance may be cited as the Carriage of Goods by Sea (Amendment) Ordinance, 1985.

(2) This Ordinance shall be deemed to have come into operation on the 14th day of February, 1984.

**Amendment of Section 2 of Ord. 25 of 1977.**

2. Section 2 (1) of the Carriage of Goods by Sea Ordinance, 1977 (hereinafter called the principal Ordinance) is amended by omitting the full stop after the figures "1968" and by inserting immediately after the figures

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"1968" the expression "and as further amended by the Protocol signed at Brussels on the 21st December 1979".

#### **Amendment of Schedule.**

3, The Schedule to the principal Ordinance is amended

- (i) by omitting the heading "THE HAGUE RULES AS AMENDED BY THE BRUSSELS PROTOCOL 1968" and substituting therefor the heading "THE HAGUE RULES AS AMENDED, BY THE BRUSSELS PROTOCOLS 1968 and 1979."

- (ii) by revoking sub-paragraph (a) of paragraph 5 of Article IV and substituting therefor the following new sub-paragraph:

"(a) Unless the nature and value of such goods have been declared by the shipper before shipment and inserted in the bill of lading, neither the carrier nor the ship shall in any event be or become liable for any loss or damage to or in connection with the goods in an amount exceeding 666.67 units of account per package or unit or 2 units of account per kilogramme of gross weight of the goods lost or damaged, whichever is the higher."

- (iii) by revoking sub-paragraph (d) of paragraph 5 of Article IV and substituting therefor the following new sub-paragraph:

"(d) The unit of account mentioned in this Article is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in sub-paragraph (a) of this paragraph shall be converted into national currency on the basis of the value of that currency on a date to be determined by the law of the Court seized of the case. The value of the national currency, in terms of the Special Drawing Right, of a State which is a member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund in effect at the date in question for its operations and transactions. The value of the national currency, in terms of the Special

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Drawing Right, of a State which is not a member of the International Monetary Fund, shall be calculated in a manner determined by that State.

Nevertheless, a State which is not a member of the International Monetary Fund and whose law does not permit the application of the provisions of the preceding sentences may, at the time of ratification or accession or at any time thereafter, declare that the limits of liability provided for in this Convention to be applied in its territory shall be fixed as follows:

- (i) in respect of the amount of 666.67 units of account mentioned in sub-paragraph (a) of paragraph 5 of this Article, 10,000 monetary units;
- (ii) in respect of the amount of 2 units of account mentioned in sub-paragraph (a) of paragraph 5 of this Article, 30 monetary units.

The monetary unit referred to in the preceding sentences corresponds to 65.5 milligrammes of gold of millesimal fineness 900'. The conversion of the amounts specified in that sentence into the national currency shall be made according to the law of the State concerned. The calculation and the conversion mentioned in the preceding sentences shall be made in such a manner as to express in the national currency of the State as far as possible the same real value for the amounts in sub-paragraph (a) of paragraph 5 of this Article as is expressed there in units of account.

States shall communicate to the depositary the manner of calculation or the result of the conversion as the case may be, when depositing an instrument of ratification or accession and whenever there is a change in either."

Passed by the Gibraltar House of Assembly on the 27th day of June, 1985.

P. A. GARBARINO

Clerk to the Assembly.