

THE CARRIAGE OF GOODS ACT

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SCHEDULE.

THE CARRIAGE OF GOODS ACT

[18th June, 1889.]

Cap. 52.
Acts
42 of 1969
3rd Sch.
8 of 1998
2nd Sch.

1. This Act may be cited as the Carriage of Goods Act. Short title.

PART I. *Carriage of Goods by Land*

2. In this Part "carrier" means any person or corporation engaged in the business of a common carrier of goods for hire, whether by land or by sea, from one part of the Island to another. "Carrier" defined.

3. No carrier shall be liable for the loss of or injury to any article or articles or property of the descriptions following, that is to say— Carrier exempt from liability in respect of certain articles unless value declared, and for extra charge.

Gold or silver coin of Her Majesty or of any Foreign State, or any gold or silver in a manufactured or unmanufactured state, or any precious stones, jewellery, watches, clocks, or timepieces of any description, trinkets, bills, notes of any bank or of any Foreign State, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, paintings, engravings, pictures, gold or silver plate, or plated articles, glass, china, silks, in a manufactured or unmanufactured state, and whether wrought up or not wrought up with other materials, furs or lace (other than machine-made lace), or any of them, contained in any parcel or package which shall have been delivered, either to be carried for hire, or to accompany the person of any passenger in any public conveyance when the value of such article or articles or property aforesaid contained in such parcel or package shall exceed the sum of twenty dollars, unless at the time of the delivery thereof at the office, warehouse or receiving house, of such carrier, or to his, her or their bookkeeper, driver or other servant for the purpose of

42/1969
3rd Sch.

42/1969
3rd Sch.

being carried or of accompanying the person of any passenger as aforesaid, the value and nature of such article or articles or property shall have been declared by the person or persons sending or delivering the same, and such increased charge as hereinafter mentioned, or an engagement to pay the same, be accepted by the person receiving such parcel or package.

Notice of extra charge for such articles if over \$20 value.

4. When any parcel or package containing any of the articles above specified shall be so sent or delivered, and its value and contents declared as aforesaid, and such value shall exceed the sum of twenty dollars, it shall be lawful for such carriers to demand and receive an increased rate of charge, to be notified by some notice affixed in legible characters in some public and conspicuous part of the office, warehouse or other receiving house, where such parcels or packages are received by them for the purpose of conveyance, stating the increased rates of charge required to be paid over and above the ordinary rate of carriage, as a compensation for the greater risk and care to be taken for the safe conveyance of such valuable articles; and all persons sending or delivering parcels or packages containing such valuable articles as aforesaid at such office shall be bound by such notice without further proof of the same having come to their knowledge.

Receipt for package sent at extra charges.

5. Provided always that when the value shall have been so declared, and the increased rate of charge paid, or an engagement to pay the same shall have been accepted as hereinbefore mentioned, the person receiving such increased rate of charge or accepting such agreement shall, if thereto required, sign a receipt for the package or parcel, acknowledging the same to have been insured, which receipt shall not be liable to any stamp duty; and if such receipt shall not be given when required, or such notice as aforesaid shall not have been affixed, the carrier shall not have or

be entitled to any benefit or advantage under this Act, but shall be liable and responsible as at the common law, and be liable to refund the increased rate of charge.

6. Provided always that, no public notice or declaration heretofore made or hereafter to be made shall be deemed or construed to limit or in anywise affect the liability at common law of any such carriers as aforesaid, for or in respect of any articles or goods to be carried and conveyed by them, but that all and every such carrier as aforesaid shall be liable, as at the common law, to answer for the loss of or any injury to any articles and goods in respect whereof they may not be entitled to the benefit of this Act, any public notice or declaration by them made and given contrary thereto, or in anywise limiting such liability, notwithstanding.

Public notice limiting liability invalid.

7. For the purposes of this Act every office, warehouse, receiving house or other place, which shall be used or appointed by any carrier as aforesaid for the receiving of parcels and packages to be conveyed as aforesaid, shall be deemed and taken to be the receiving house, warehouse or office, of such carrier.

Receiving house of carrier.

8. Nothing in this Act contained shall extend or be construed to annul, or in anywise affect, any special contract between any such carrier and any other parties for the conveyance of goods and merchandise.

Special contracts not affected.

9. Nothing in this Act shall be deemed to protect any carrier from liability to answer for loss or injury to any goods or articles whatsoever arising from the felonious acts of any driver, guard, bookkeeper, porter or other servant, in his or their employ, nor to protect any such driver, guard, bookkeeper or other servant, from liability for any loss or injury occasioned by his or their own personal neglect or misconduct.

Carrier not protected from liability for felony of his employees. 42/1969 3rd Sch.

Employees not protected from liability for their own neglect or misconduct.