

**TITLE 47 – MARITIME
CHAPTER 4 - CARRIAGE BY SEA**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

CARRIAGE BY SEA ACT

Arrangement of Sections

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AN ACT to provide for a comprehensive modernization of the maritime laws of the Republic of the Marshall Islands. [The legislation in this Chapter 4 was originally codified as Part IV of 34 MIRC 3.]

<i>Commencement:</i>	<i>September 13, 1990</i>
<i>Source:</i>	<i>P.L. 1990-92</i>
<i>Amended By:</i>	<i>P.L. 1990-94</i>

PART I - CARRIAGE OF GOODS

§401. Short title.

This Chapter may be cited as the Carriage by Sea Act. [Short title supplied by Reviser during recodification of the original Act.]

§402. Definitions.

When used in this Part:

- (a) “**carrier**” includes the owner or the charterer who enters into a contract of carriage with a shipper;
- (b) “**contract of carriage**” applies only to contracts of carriage covered by a bill of lading or any similar document of title, in so far as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of

title regulates the relations between a carrier and a holder of the same;

- (c) “**goods**” includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals, and cargo which by the contract of carriage is stated as being carried on deck and is so carried;
- (d) “**ship**” means any vessel used for the carriage of goods by sea;
- (e) “**carriage of goods**” covers the period from the time when the goods are loaded on, to the time when they are discharged from the ship; and
- (f) “**foreign trade**” means the transportation of goods between the ports of the Republic and, or between, ports of foreign countries. [P.L. 1990-92, §85. The Phrase “**the term**”, used in each Paragraph, was deleted as being redundant.]

§403. Risks.

Subject to the provisions of Section 408 of this Chapter, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care and discharge of such goods shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth. [P.L. 1990-92, §86.]

§404. Responsibilities and liabilities.

- (1) The carrier shall be bound, before and at the beginning of the voyage to exercise due diligence to:
 - (a) make the ship seaworthy;
 - (b) properly man, equip, and supply the ship; and
 - (c) make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried fit and safe for their reception, carriage and preservation.
- (2) The carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.
- (3) After receiving the goods into his charge the carrier, or the Master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things:

- (a) the leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided, such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage;
 - (b) either the number of packages or pieces, or the quantity or weight as the case may be, as furnished in writing by the shipper; and
 - (c) the apparent order and condition of the goods; provided that no carrier, Master, or agent of the carrier, shall be bound to state or show in the bill of lading any marks, number, quantity, or weight, which he has reasonable ground for suspecting not accurately to represent the goods actually received, or which he has had no reasonable means of checking.
- (4) Such a bill of lading shall be prima facie evidence of the receipt by the carrier of the goods as therein described in accordance with Subsections (3)(a), (b), and (c) of this Section. However, proof to the contrary shall not be admissible when the bill of lading has been transferred to a third party acting in good faith. Nothing in this Part shall be construed as limiting the application of any part of the law governing bills of lading.
 - (5) The shipper shall be deemed to have guaranteed to the carrier the accuracy at the time of the shipment of the marks, number, quantity, and weight, as furnished by him, and the shipper shall indemnify the carrier against all loss, damages and expenses arising or resulting from inaccuracies in such particulars. The right of the carrier to such indemnity shall in no way limit his responsibility and liability under the contract of carriage to any person other than the shipper.
 - (6) Unless notice of loss or damage and the general nature of such loss or damage be given in writing to the carrier or his agent at the port of discharge before or at the time of the removal of the goods into custody of the person entitled to delivery thereof under the contract of carriage, such removal shall be prima facie evidence of the delivery by the carrier of the goods as described in the bill of lading.