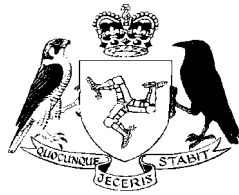


Government Circular No. 288/87  
G.O. Reference No. 840.231.6(2)



## **THE MERCHANT SHIPPING ACT 1979**

### **THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (NOTICE) ORDER 1987**

The above Order, a copy of which is attached, was made by the Governor in Council on 10th August, 1987.

The Order requires carriers to give passengers notice of specified provisions of the Athens Convention relating to the limit of the carrier's liability for valuables, death or personal injury and for loss of or damage to luggage (including a vehicle). The carrier must give the passenger notice of these provisions before departure and where practicable on the ticket for travel.

The Order came into operation on 1st November, 1987.

This Text includes amendments (indicated by *bold italics*) made to the 1987 Order by the following -

- (1) The Criminal Justice (Penalties Etc.) Act 1993 [c. 18].

*P. Hulme,*  
Government Secretary,  
Government Office,  
Douglas.

September, 1987

PRICE : £0.60

Text Revised : June 1994

## THE MERCHANT SHIPPING ACT 1979

### THE CARRIAGE OF PASSENGERS AND THEIR LUGGAGE BY SEA (NOTICE) ORDER 1987

In exercise of the powers conferred on the Governor in Council by paragraph 11 of Part II of Schedule 3 to the Merchant Shipping Act 1979<sup>(a)</sup> (an Act of Parliament) as it has effect in the Isle of Man, including paragraph 11 as applied by article 3(1) of the Carriage of Passengers and their Luggage by Sea (Domestic Carriage) Order 1987<sup>(b)</sup>, as it has effect in the Isle of Man, and of all other powers enabling him in that behalf the following Order is hereby made:-

1. (1) This Order may be cited as the Carriage of Passengers and their Luggage by Sea (Notice) Order 1987 and shall come into force on 1st November 1987.

(2) In this Order :

“1979 Act” means the Merchant Shipping Act 1979 (an Act of Parliament as it has effect in the Isle of Man);

“carrier”, “luggage” and “passenger” have the same meanings as in article 1 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;

“the Domestic Carriage Order” means the Carriage of Passengers and their Luggage by Sea (Domestic Carriage) Order 1987 (as it has effect in the Isle of Man).

2. (1) In relation to any contract of carriage to which -

(a) article 2 in Part I of Schedule 3 of the 1979 Act applies, where the contract for carriage is made in the Island, or where a place in the Island is the place of departure; or

(b) the Domestic Carriage Order applies

the carrier shall give to the passenger notice of those provisions of the Athens Convention specified in the Schedule hereto.

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(a) 1979 c. 39 as extended to the Isle of Man by SI 1980/1526

(b) SI 1987/670 applied to the Isle of Man by Government Circular No. 118/87

(2) Such notice shall be given before departure and it shall be sufficient compliance with paragraph (1) if the notice contains a statement that:

- (a) the provisions of the Athens Convention may be applicable;
- (b) the Athens Convention in most cases limits the carrier's liability for death or personal injury or loss of or damage to luggage (including a vehicle) and makes special provision for valuables; and
- (c) the Athens Convention presumes that luggage has been delivered undamaged unless written notice is given to the carrier:
  - (i) in the case of apparent damage, before or at the time of disembarkation or re-delivery, or
  - (ii) in the case of damage which is not apparent or of loss, within 15 days from the date of disembarkation or re-delivery or from the time when such re-delivery should have taken place:

Provided that where a ticket is issued, and it is practicable to do so, the ticket itself shall contain a statement specifying the matters set out in sub-paragraphs (a) to (c).

3. Any carrier who fails to comply with article 2 above shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding **£2,500**.

## **SCHEDULE**

### **PROVISIONS OF THE ATHENS CONVENTION OF WHICH NOTICE MUST BE GIVEN TO PASSENGERS**

- Article 5 - Valuables;
- Article 7 - Limit of liability for personal injury;
- Article 8 - Limit of liability for loss of, or damage to, luggage;
- Article 15 - Notice of loss or damage to luggage.

Made by the Governor in Council this 10th day of August 1987.

*P. Hulme*  
Government Secretary.

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### **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order requires a carrier, in relation to any contract of carriage to which

- (i) the Convention relating to the Carriage of Passengers and their Luggage by Sea 1974 (the Athens Convention) applies where the contract of carriage is made in the Isle of Man or where the place of departure is the Isle of Man, or
- (ii) the Carriage of Passengers and their Luggage by Sea (Domestic Carriage) Order 1987 applies

to give to passengers notice of specified provisions of the Athens Convention. Those provisions relate to the limit of the carrier's liability for valuables, death or personal injury and for loss of or damage to luggage (including a vehicle), and the notice to be given by the passenger in respect of loss or damage to luggage. Notice must be given by the carrier before departure and, where practicable, on the ticket itself.