



## THE CARRIAGE OF GOODS BY SEA ACT, 1925



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# THE CARRIAGE OF GOODS BY SEA ACT, 1925.

<sup>1</sup>ACT NO. XXVI OF 1925

[21<sup>st</sup> September, 1925]

## **An Act to amend the law with respect to the carriage of goods by sea**

WHEREAS at the International Conference on Maritime Law held at Brussels in October, 1922, the delegates at the Conference, including the delegates representing His Majesty, agreed unanimously to recommend their respective Governments to adopt as the basis of a convention a draft convention for the unification of certain rules relating to bills of lading;

AND WHEREAS at a meeting held at Brussels in October, 1923, the rules contained in the said draft convention were amended by the Committee appointed by the said Conference ;

AND WHEREAS provision has been made by the Carriage of Goods by Sea Act, 1924 (14 & 15 Geo, 5, c. 22.), that the said rules as so amended and as set out with modifications in the Schedule shall, subject to the provisions of that Act, have the force of law with a view to establishing the responsibilities, liabilities, rights and immunities attaching to carriers under bills of lading ;

AND WHEREAS it is expedient that like provision should be made in <sup>2</sup>[Pakistan] ; it is hereby enacted as follows:—

**1.Short title and extent.**—(1) This Act may be called the <sup>3</sup>\* Carriage of Goods by Sea Act, 1925.

<sup>4</sup>[(2) It extends to the whole of Pakistan.]

**2. Application of Rules.** Subject to the provisions of this Act, the rules set out in the schedule (hereinafter referred to as “the Rules”) shall have effect in relation to and in connection with the carriage of goods by sea in ships carrying goods from any port in <sup>5</sup>[Pakistan] to any other port whether in or outside <sup>5</sup>[Pakistan].

**3. Absolute warranty of seaworthiness not to be implied in contracts to which Rules apply.** There shall not be implied in any contract for the carriage of goods by sea to which the Rules apply any absolute undertaking by the carrier of the goods to provide a seaworthy ship.

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<sup>1</sup> For Statement of Objects and Reasons, see Gazette of India, 1925. Pr. V. p. 37; and for Report of Joint Committee, see *ibid.*, p. 205.

<sup>2</sup> Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for “the Provinces and the Capital of the Federation” which had been subs. by A.O., 1949, for “British India”.

<sup>3</sup> The words “Indian” omitted by A. O., 1949.

<sup>4</sup> Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s.3 and 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for the original sub-section (2), as amended by A.O., 1949.

<sup>5</sup> Subs. by Ordinance 21 of 1960, s.3 and 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for “the Provinces and the Capital of the Federation” which had been subs by A. O., 1949, for “British India”.

**4. Statement as to application of Rules to be included in bills of lading.** Every bill of lading, or similar document of title, issued in <sup>1</sup>[Pakistan] which contains or is evidence of any contract to which the Rules apply, shall contain an express statement that it is to have effect subject to the provisions of the said Rules as applied by this Act.

**5. Modification of Article VI of Rules in relation to goods carried in sailing ships and by prescribed routes.** Article VI of the Rules shall, in relation to —

- (a) the carriage of goods by sea in sailing ships carrying goods from any port in <sup>1</sup>[Pakistan] to any other port whether in or outside <sup>1</sup>[Pakistan], and
- (b) the carriage of goods by sea in ships carrying goods from a port in <sup>1</sup>[Pakistan] notified<sup>2</sup> in this behalf in the <sup>3</sup>[official gazette] by the <sup>4</sup>[Federal Government] to a port <sup>5</sup>[in] <sup>6</sup>[India or Ceylon] specified in the said notification,

have effect as though the said Article referred to goods of any class instead of to particular goods and as though the proviso to the second paragraph of the said Article were omitted.

**6. Modification of Rules 4 and 5 of Article III in relation to bulk cargoes.** Where under the custom of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in the Rules, the bill of lading shall not be deemed to be *prima facie* evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

**7. Saving and operation.**—(1) Nothing in this Act shall affect the operation of sections four hundred and forty six to four hundred and fifty, both inclusive, five hundred and two, and five hundred and three of the Merchant Shipping Act, 1894 (57 & 58 Vict, c. 60.), as amended by any subsequent enactment, or the operation of any other enactment for the time being in force limiting the liability of the owners of sea-going vessels.

(2) The Rules shall not by virtue of this Act apply to any contract for the carriage of goods by sea, before such day<sup>7</sup>, not being earlier than the first day of January, 1926, as the <sup>8</sup>[Federal Government] may, by notification in the <sup>9</sup>[official Gazette], appoint, nor to any bill of lading or similar document of title issued, whether before or after such day as aforesaid, in pursuance of any such contract as aforesaid.

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<sup>1</sup> Subs. by Ordinance 21 of 1960, s.3 and 2<sup>nd</sup> Sch. (with effect from the 14<sup>th</sup> October, 1955), for “the Provinces and the Capital of the Federation” which had been subs by A. O., 1949, for “British India”.

<sup>2</sup> For such a Notification, see Gazette of India, 1925, Pt. I, p. 950.

<sup>3</sup> Subs. by A.O., 1937, for “Gazette of India”.

<sup>4</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which was previously amended by A.O., 1937, for “G.G in C”.

<sup>5</sup> Ins. by A.O., 1961, Art. 2 and Sch. (with effect from the 23<sup>rd</sup> March, 1956).

<sup>6</sup> Subs. by A. O., 1949, for “in Ceylon”.

<sup>7</sup> For Notification appointing such day as the 1<sup>st</sup> of January, 1926, see Gazette of India, 1925, Pt. I, p. 950.

<sup>8</sup> Subs. by F.A.O., 1975, Art. 2 and Table, for “Central Government” which had been subs. by A.O., 1937, for “G.G. in C.”

<sup>9</sup> Subs. *ibid.*, for “Gazette of India”.

**SCHEDULE**  
**RULES RELATING TO BILLS OF LADING**  
**ARTICLE I**

***Definitions***

In these Rules the following expressions have the meanings hereby assigned to them respectively, that is to say—

- 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 pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relation between a carrier and a holder of the same :
- c. “Goods” includes goods, wares, merchandises, 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.

**ARTICLE II**

***Risks***

Subject to the provisions of Article VI, 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.

**ARTICLE III**

***Responsibilities and Liabilities***

1. The carrier shall be bound, before and the beginning of the voyage, to exercise due diligence to —
  - (a) make the ship seaworthy:
  - (b) properly man, equip, and supply the ship:
  - (c) make the holds, refrigerating and cool chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage and preservation.
2. Subject to the provisions of Article IV, the carrier shall properly and carefully load, handle, stow, carry, keep, care for and discharge the goods carried.