

Insight Article

Hague, Hague-Visby and Hamburg Rules – Package limitation values

In this issue of Gard News we continue our survey of Hague, Hague-Visby and Hamburg Rules (or equivalent) package limitation values in some of the world's most important jurisdictions.

It should be noted, however, that since only countries which have enacted legislation equivalent to the Hague, Hague-Visby or Hamburg Rules are included in the survey, package limitation may equally be available in countries other than the ones listed.

Some African countries have ratified the Hamburg Rules, but their implementation in domestic legislation is still outstanding, so it is uncertain whether local courts will in fact apply the Hamburg Rules to cargo claims.

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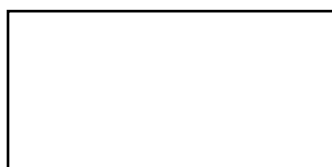
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Country	Hague/Hague-Visby/Hamburg (or equivalent)	Date enacted ¹	Package Limitation
Cameroon	Hamburg Rules	1st November 1994	SDR 835 per package/unit or SDR 2.5 per kilogramme of gross weight of the cargo.
Ghana	Hague Rules (Bills of Lading Act 1961)	1961	£100 or 200 Ghanaian Pounds ²
Ivory Coast	Hague Rules	15th June 1992	Equivalent in CFA Francs of Sterling Pounds 2003
Kenya	Hague Rules ⁴	1st November 1992	£100 Sterling
Liberia	Hague-Visby ⁵ (Liberian Maritime Law)	8th July 1982	SDR 666.67 per package/unit or SDR 2 per kilo
Morocco	Hamburg Rules	1st November 1992	SDR 835 per package/unit or SDR 2.5 per kilogramme of gross weight of cargo
Nigeria	Hague Rules ⁶ (Carriage of Goods by Sea Act)	1926	200 Naira ⁷
Senegal	Hamburg Rules (Law Ref. 86.11)	24th January 1986	SDR 835 per package/unit or SDR 2.5 per kilogramme of gross weight of cargo
Sierra Leone	Hamburg Rules	1st November 1992	SDR 835 per package/unit or SDR 2.5 per kilogramme of gross weight of cargo
South Africa	Hague-Visby ⁸ (Carriage of Goods by Sea Act)	4th July 1986	10,000 poincaré gold francs per package or unit, or 30 poincaré gold francs per kilogramme of gross weight of the goods

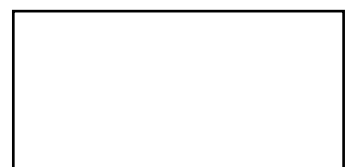
Tanzania



Hamburg Rules



1st November 1992



SDR 835 per
package/unit or
SDR 2.5 per
kilogramme of
gross weight of the
cargo

Tunisia

1st November 1992

TD 400 per
package or freight
unit

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Footnotes

1. "Date enacted" will usually indicate the date the Hague/Hague-Visby/Hamburg Rules variant came into effect.
2. The Ghanaian Pound has ceased to be legal tender in Ghana and the courts presently interpret the provision as meaning the value of £100 Sterling at the open market exchange rate.
3. The rate of exchange to be used is that at the time of discharge of the cargo.
4. Kenya is a party to the Hamburg Rules, but the Rules have not yet been implemented into the domestic legislation. Our correspondents have informed us that the Kenyan courts still apply the Hague Rules to claims.
5. Liberia is not a party to the Hague-Visby Rules, but the principles of the Convention have been enacted in Liberian domestic law.
6. Although Nigeria is not a party to the Convention, the principles of the Hague Rules have been incorporated in Nigerian domestic law. However, it is a party to the Hamburg Rules, but the Rules have not yet been incorporated into domestic legislation. Our correspondents inform us that the Hague Rules are still applied in Nigeria.
7. The present exchange rate is Naira 135 to GBP 1 (as at January 1996).
8. Although South Africa is not a party to the Convention, the principles of the Hague-Visby Rules have been incorporated into South African domestic law.
9. Although Tunisia is a party to the Hamburg Rules, these Rules are not considered by the courts, which apply Article 147 of the Maritime Commercial Code to claims. The Article provides for a package limitation of TD 400 per package or freight unit.