



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.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

Published 06 October 2009

Country	Hague/Hague-Visby/Hamburg Rules (or Private Rules)	Date enacted ¹	Package Limitation
Cameroon	Hague Rules	1st November 1994	SDR 835 per package/unit or
Ghana	Hague Rules	1961	package/unit or
Ivory Coast	Hague Rules	15th June 1992	SDR 200 per
Kenya	Hague Rules ⁴	1st November 1992	SDR 200 per in CFA franc or 100 Kenyan shilling
Liberia	Hague-Visby ⁵	8th July 1982	SDR 66.26 per gross weight of the cargo
Morocco	Hague Rules	1st November 1992	SDR 835 per package/unit or
Nigeria	Hague Rules ⁶	1926	SDR 200 per package/unit or
Senegal	Carriage of Goods by Sea Act (CGS)	24th January 1986	SDR 835 per package/unit or
Sierra Leone	Hague Rules	1st November 1992	SDR 200 per package/unit or
South Africa	Hague-Visby ⁸	4th July 1986	SDR 200 per package/unit or
Tanzania	Carriage of Goods by Sea Act (CGS)	1st November 1992	SDR 200 per package/unit or
Tunisia	Hague Rules	1st November 1992	SDR 200 per package/unit, or gross weight of the cargo

We are grateful to Messrs Eltvedt & O'Sullivan, Marseilles, Messrs Cotts Shipping Mombasa, Messrs Shepstone & Wylie, Durban, Messrs Budd, Abidjan, Messrs Sheringham P&I Services Limited, Ghana and Nigeria for the above information concerning package limitation in African jurisdictions

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).

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.

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.

The information provided in this article is intended for general information only. While every effort has been made to ensure the accuracy of the information at the time of publication, no warranty or representation is made regarding its completeness or timeliness. The content in this article does not constitute professional advice, and any reliance on such information is strictly at your own risk. Gard AS, including its affiliated companies, agents and employees, shall not be held liable for any loss, expense, or damage of any kind whatsoever arising from reliance on the information provided, irrespective of whether it is sourced from Gard AS, its shareholders, correspondents, or other contributors.