

D-6: INTERNATIONAL CONVENTION FOR THE UNIFICATION OF CERTAINS RULES OF LAW RELATING TO BILLS OF LADING

Name of the convention: International Convention for the Unification of certain rules of law relating to Bills of Lading

Acronym or short name: Hague-Visby Rules

International organisation in charge of it: United Nations Commission on International Trade Law (UNCITRAL)

Summary description (in plain language): This convention aims at fixing by agreement certain uniform rules of law relating to bills of lading. The carrier ("owner or charterer who enters into contract with a shipper"), under a contract of carriage of goods by sea, is subject to responsibilities and liabilities; and is entitled to rights and immunities (art.5).

The carrier shall be bound and at the beginning of the voyage to exercise due diligence (make the ship seaworthy, properly equip and supply the ship...) (art.3).

A bill of lading has to be issued to the shipper by the carrier after the reception of goods into his charge (art 3.3), this bill of lading constitutes an evidence of the receipt of goods by the carrier.

The liability is related to the due diligence achieved during the voyage. So, there is no responsibility of the carrier nor the ship for "loss and damages" arising from unseaworthiness except the fault or privity of the carrier. The burden of proving exercise of due diligence shall be on the carrier.

Date of first approval: 25 August 1924

Date of coming into force: 2 June 1931

Dates of revision: 1978

Reasons of revisions:

- **[Protocol to amend the International Convention for the unification of certain Rules of Law relating to Bills of Lading of 23 February 1968 "Visby Rules"](#)** (entry into force: 23 June 1977) extends the action for indemnity against a "third person" (art.1).

The protocol also adds a new article (art.4 bis) dealing with defences and limits of liability provided for in the convention applying to any action against carrier in respect of loss or damage to goods covered by a contract of carriage whether the action be founded in contract or tort.

The protocol also replaces article 10 concerning the scope of application of the convention to Bill of Lading relating to the carriage of goods between ports in 2 different states if the Bill is issued in a Contracting State or the carriage is from a port in a Contracting State or the contract contained in or evidenced by the Bill of Lading.

- [Protocol amending the International Convention for the unification of certain Rules of Law relating to Bills of lading of 25 august 1924 \(The Hagues Rules\), as amended by the Protocol of 23 february 1968 \(Visby Rules\), 21 december 1979](#) (entry into force: 18 may 1996) changes the value of national currency.

- [Hamburg Rules](#) “denunciation of other conventions” (art.31): Upon becoming a contracting state to this convention, any state party to the International Convention for the Unification of certain rules of law relating to Bills of Lading

Applicability (situation of ratification): The convention shall take effect , in the case of the States which have taken part in the first deposit of ratifications, 1 year after the date of the protocol recording such deposit (art.14).

Stakes for ports: Ports are not liable for loss and damage of goods (art.3.5). Only shipper or carrier shall be responsible for damages occurred to goods during the voyage or during loading, handling, stowage, carriage, custody, care and discharge (art.2).

Links with other conventions: [Hamburg rules](#); [Visby rules](#); [International Convention relating to the limitation of Liability of Owners of Sea going Ships, and Protocol of signature, 1957](#) (art.8: the provisions of the “Hagues Convention” shall not affect the rights and obligations of the carrier under any statute for the time being in force relating to the limitation of the liability of owners of sea-going vessels).

Key-words: Bills of lading, carrier, carriage of goods, contract

Internet hyperlink with other website

<http://www.imo.org/>

<http://www.uncitral.org/>

(full text of hagues rules)<http://www.admiraltylawguide.com/conven/haguerules1924.html>

(full text of visby rules)<http://www.admiraltylawguide.com/conven/visbyrules1968.html>

(full text of SDR protocol)<http://www.admiraltylawguide.com/conven/sdrprotocol1979.html>