



ANALYSIS

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1968, No. 17

An Act to amend the Sea Carriage of Goods Act 1940
[31 October 1968]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title and commencement—(1) This Act may be cited as the Sea Carriage of Goods Amendment Act 1968, and shall be read together with and deemed part of the Sea Carriage of Goods Act 1940 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the first day of January, nineteen hundred and sixty-nine.

2. Lodging of claims against agent in New Zealand of any ship—(1) Section 11 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:

“(2) No proceedings for the recovery of any claim under this section shall be taken unless notice in writing giving reasonable particulars of the damage or loss is given to the agents and the proceedings commenced within one year after the delivery of the cargo or the date when the cargo should have been delivered.

“(3) Nothing in this section shall prevent the agents from raising any defence available to their principal and, in particular but not in limitation, any defence available to their principal by virtue of the provisions of Rule 6 of Article III of the rules relating to bills of lading contained in the Schedule to this Act.”

(2) The amendment made by subsection (1) of this section shall not apply to a claim in respect of any cargo if the contract for the carriage of that cargo was made before the date of the commencement of this Act.

3. New Zealand law and jurisdiction of New Zealand Courts—The principal Act is hereby further amended by inserting, after section 11, the following section:

“11A. (1) All parties to any bill of lading or other document relating to the carriage of goods by sea from any place in New Zealand to any place outside New Zealand shall be deemed to have intended to contract according to the laws of New Zealand, and any stipulation or agreement to the contrary, or purporting to oust or restrict the jurisdiction of the Courts of New Zealand in respect of such bill of lading or other document, shall be of no effect.

“(2) Any stipulation or agreement, whether made in New Zealand or elsewhere, purporting to oust or restrict the jurisdiction of the Courts of New Zealand in respect of any bill of lading or other document relating to the carriage of goods by sea from any place outside New Zealand to any place in New Zealand shall be of no effect.”

Cf. Sea-Carriage of Goods Act 1924, s. 9 (Commonwealth of Australia)