

(3) Notwithstanding anything in section 7 of this Act, the provisions of this section apply, with the necessary modifications, to contracts of carriage between contracting carriers and actual carriers, and between actual carriers, subject to any express term in the contract."

20.5 Actions against carriers

Section 18 of the Carriage of Goods Act 1979 in respect of actions against carriers provides:

"18. Notice of claim of damage or partial loss to be given within 30 days—(1) Subject to the succeeding provisions of this section, and except in the case of fraud by the carrier, no action may be brought against a contracting carrier for damage to or partial loss of goods occurring while he is responsible for them under this Act unless written notice giving reasonable particulars of the alleged damage or partial loss is given, in accordance with subsection (4) of this section, within 30 days after the date on which, in accordance with section 9 of this Act, the carrier's responsibility for the goods ceased.

(2) Subject to the succeeding provisions of this section, and except in the case of fraud by the actual carrier, no action may be brought by the contracting carrier against an actual carrier for damage to or partial loss of goods occurring while the actual carrier is responsible for them under this Act unless the contracting carrier, within 10 days after receiving notice of a claim under subsection (1) of this section, notifies the actual carrier of that claim.

(3) No notice is required if it is apparent from all the circumstances of the case that the carrier is or ought to be aware of the damage or partial loss.

(4) Notice for the purpose of subsection (1) of this section shall be given—

(a) Where the contract was performed entirely by the contracting carrier, to that carrier; or

(b) Where the contract was not performed entirely by the contracting carrier, to

(i) The actual carrier or, as the case may require, the last actual carrier; and

(ii) The contracting carrier, unless (where notice of the claim is to be given by the consignee) the identity of the contracting carrier is unknown to the consignee."

20.6 "Declared value risk" rates

20.6.1 Declared value over \$500: The rate for carriage of goods at "declared value risk" pursuant to the Carriage of Goods Act 1979 shall be the "limited carrier's risk" rate for the carriage of the goods, together with an additional amount of one percent of the declared value of the goods in excess of \$500.

20.6.2 Declared value under \$500: In respect of any carriage of goods other than a carriage of goods at "owner's risk" where it is desired that the limit of liability be less than \$500, then and in such case the goods may be carried pursuant to a contract for carriage on declared terms within the meaning of and subject to the provisions of the Carriage of Goods Act 1979.

20.7 Carriage at "owner's risk" rates

Where in this General Scale of Charges it is provided that the rates are "at limited carrier's risk" and will be reduced by 2 percent where consignors require that the consignment be carried at "owner's risk", such reduction is subject to the consignor complying in all respects with the provisions of subsection (5) of section 8 of the Carriage of Goods Act 1979.