

1981 No. 604

ROAD TRAFFIC

**The Carriage of Goods by Road (Gibraltar)
(Amendment) Order 1981***Made* - - - - 13th April 1981*Coming into Operation* 20th April 1981

At the Court at Windsor Castle, the 13th day of April 1981

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 9 and 12 of the Carriage of Goods by Road Act 1965(a) and section 6(1)(b) of the Carriage by Air and Road Act 1979(b) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1. This Order may be cited as the Carriage of Goods by Road (Gibraltar) (Amendment) Order 1981 and shall come into operation on 20th April 1981.
2. The Carriage of Goods by Road (Gibraltar) Order 1967(c) shall have effect subject to the amendments specified in the Schedule hereto.

N. E. Leigh,
Clerk of the Privy Council.

(a) 1965 c. 37.

(b) 1979 c. 28.

(c) S.I. 1967/820.

SCHEDULE

Article 2

1. In the schedule to the Order between sections 3 and 4 there shall be inserted the following section:

Conversion
of special
drawing
rights into
sterling

3A.—(1) For the purposes of article 23 in the Annex to this schedule, the value on a particular day of one special drawing right shall be treated as equal to such a sum in sterling as the International Monetary Fund have fixed as being the equivalent of one special drawing right—

(a) for that day; or

(b) if no sum has been fixed for that day, for the last day before that day for which a sum has been so fixed.

(2) A certificate given by or on behalf of the Financial and Development Secretary stating—

(a) that a particular sum in sterling has been fixed as aforesaid for a particular day; or

(b) that no sum has been so fixed for a particular day and that a particular sum in sterling has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day,

shall be conclusive evidence of those matters for the purposes of the preceding subsection; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

(3) The Financial and Development Secretary may charge a reasonable fee for any certificate given by him or on his behalf in pursuance of the preceding subsection.

2. In the Annex to the schedule to the Order:

(a) for paragraph 3 of article 23 there shall be substituted the following paragraph—

3. Compensation shall not, however, exceed 8.33 units of account per kilogram of gross weight short.

(b) at the end of article 23 there shall be inserted the following paragraph—

7. The unit of account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amount mentioned in paragraph 3 of this article shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Carriage of Goods by Road (Gibraltar) Order 1967, which extended to Gibraltar those provisions of the Carriage of Goods by Road Act 1965 which give effect to the Convention on the Contract for the International Carriage of Goods by Road, signed at Geneva on 19th May 1956 (Cmnd. 3455). It takes into account the amendment of the 1965 Act in the United Kingdom by section 4(2)(a) and (b) of the Carriage by Air and Road Act 1979 and enables effect to be given in Gibraltar to the Protocol of 5th July 1978 (Cmnd. 7480) to the Convention. The Protocol substitutes Special Drawing Rights for gold francs as the unit of account to be used in connection with the Convention.

THE UNIVERSITY OF CHICAGO PRESS

SI 1981/604
ISBN 0-11-016604-3

