

Guide to Contractually Limited and Statutory Liabilities



The following is a brief guide of the common UK Trade Association Standard Trading Conditions and outline of major International Conventions that apply to the movement of cargo.

Conditions	BIFA	UKWA	RHA	RHA Storage	FTA	CMR Convention	Warsaw/Montreal Convention*	Hague-Visby Rules
Used by/when applying	Freight Forwarders	Warehouse Keepers	Road Hauliers	Warehouse Keepers	Road Hauliers	International Convention applying to international carriage by road	International Conventions/Protocols applying to air transit	International Convention applying to sea transit
Limit of liability for loss &/or damage to goods	2 SDRs per kilo	£100 per tonne	£1,300 per tonne	£100 per tonne	£1,300 per tonne or £500 for total consignment whichever is the greater	8.33 SDRs per kilo plus carriage charges, customs duties & other charges	17 SDRs (Warsaw) or 22 SDRs (Montreal) depending on applicable convention	666.67 SDRs per package or 2 SDRs per kilo whichever is the higher
Maximum Liability	Value of goods	Value of goods	Value of goods	Value of goods	Value of consignment	Value of goods	Value of goods	Value of goods
Notice of Claim	14 days	21 days but 7 days if any carriage has been subcontracted	7 days	7 days	Delay - 3 days, Partial loss/ damage - 7 days, Total Loss - 14 days	Apparent loss - immediate, Non-apparent loss/damage - 7 days, Delay - 21 days	Loss/damage - 7 days, Delay - 14 days	Apparent loss/damage - immediate, Non-Apparent loss/damage - 3 days
Time Limitation	9 months	9 months	1 year	1 year	Common Law (6 years)	1 year	2 years	1 year
Extensions to limits of liability	Delay - twice freight charges. Other claims - 75,000 SDRs		Any other loss including consequential loss - the amount of the carriage charges		Delay or consequential loss - the amount of the carriage charges or the loss whichever the lesser	Delay - the amount of the carriage charges	Delay - 17 SDRs (Warsaw) or 22 SDRs (Montreal) depending on applicable convention**	

An SDR (Special Drawing Right) is a currency unit of the International Monetary Fund and is used worldwide as a method of determining value. It is based on a basket of four international currencies and therefore fluctuates in value on a continual basis in the same way as any foreign currency would. SDR rates can be found at:

http://www.imf.org/external/np/fin/data/param_rms_mth.aspx

**For further information, please contact Hazel Downes
Freight & Marine Manager.
E: hazel.downes@macbeths.co.uk**

* Unamended Warsaw Convention, Warsaw Convention amended by Montreal Protocol 1, Warsaw-Hague Convention, Montreal Protocols 2 & 4, Montreal Convention. Limitation under Montreal Convention increased from 19 SDRs to 22 SDRs with effect 28th December 2019.

** In some rare cases liability can be limited to a conversion of 250 francs per kilo.

T: +44 (0) 1628 532613
E: marine@macbeths.co.uk

www.macbeths.co.uk