

## MARITIME CLAIMS

The Carriage of Goods by Sea Act B.E. 2534 (A.D. 1991), based on terms from the Hague Rules, Hague-Visby Rules, and Hamburg Rules, became effective in February 1992. Previously, all maritime cases in Thailand were construed in accordance with the Thai Civil and Commercial Code provisions governing carriage. Generally, the Carriage of Goods by Sea Act applies to the carriage of goods by sea from within Thai waters to outside Thai waters and vice versa. A bill of lading may provide that the law of another jurisdiction apply. However, if one of the parties is a Thai national or juristic person, the Act will automatically apply. Under the Act, the carrier has custody of the goods from the time it receives them until they are properly delivered. The carrier is liable for any damages resulting from loss of or damage to the goods which have been handed over to him, as well as from delay in delivery while the goods were in his charge. The liability of the carrier for loss of or damage to the goods is limited to THB 10,000 per unit of carriage or THB 30 per kilogram of net weight of the goods, whichever amount is higher, but for delay in delivery it is limited to two and a half times the freight payable for the goods delayed, but not exceeding the total freight payable under the contract of carriage. The Act also provides exclusions of liability of the carrier that are similar to those provided under the Hague-Visby Rules.