

## THE CARRIAGE OF GOODS BY SEA ACT

The Carriage of Goods by Sea Act (COGSA), formerly published at 46 U.S.C. Appx. § 1301 *et seq.*, was not recodified when the Appendix to 46 United States Code was recodified in 2006. The Appendix to Title 46 no longer exists. COGSA was not amended or repealed: it just is not included under its own provisions in the United States Code. COGSA now is published in the United States Code as part of the historical and revision notes to the recodification of the Harter Act, at 46 U.S.C. § 30701. Because of the difficulty of finding the text of COGSA, the § 30701 notes are presented here.

Act Apr. 16, 1936, ch. 229, 49 Stat. 1207, as amended by Pub. L. 97-31, § 12(146), Aug. 6, 1981, 95 Stat. 166, provided: That every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea to or from ports of the United States, in foreign trade, shall have effect subject to the provisions of this Act.

### TITLE I

#### **Section 1.** When used in this Act—

- (a) The term ‘carrier’ includes the owner or the charterer who enters into a contract of carriage with a shipper.
- (b) The term ‘contract of carriage’ applies only to contracts of carriage covered by a bill of lading or any similar document of title, insofar as such document relates to the carriage of goods by sea, including any bill of lading or any similar document as aforesaid issued under or pursuant to a charter party from the moment at which such bill of lading or similar document of title regulates the relations between a carrier and a holder of the same.
- (c) The term ‘goods’ includes goods, wares, merchandise, and articles of every kind whatsoever, except live animals and cargo which by the contract of carriage is stated as being carried on deck and is so carried.
- (d) The term ‘ship’ means any vessel used for the carriage of goods by sea.
- (e) The term ‘carriage of goods’ covers the period from the time when the goods are loaded on to the time when they are discharged from the ship.

### **RISKS**

**Sec. 2.** Subject to the provisions of section 6, under every contract of carriage of goods by sea, the carrier in relation to the loading, handling, stowage, carriage, custody, care, and discharge of such goods, shall be subject to the responsibilities and liabilities and entitled to the rights and immunities hereinafter set forth.

### **RESPONSIBILITIES AND LIABILITIES**

**Sec. 3.** (1) The carrier shall be bound, before and at the beginning of the voyage, to exercise due diligence to—

- (a) Make the ship seaworthy;
  - (b) Properly man, equip, and supply the ship;
  - (c) Make the holds, refrigerating and cooling chambers, and all other parts of the ship in which goods are carried, fit and safe for their reception, carriage, and preservation.
- (2) The carrier shall properly and carefully load, handle, stow, carry, keep, care for, and discharge the goods carried.
- (3) After receiving the goods into his charge the carrier, or the master or agent of the carrier, shall, on demand of the shipper, issue to the shipper a bill of lading showing among other things—
- (a) The leading marks necessary for identification of the goods as the same are furnished in writing by the shipper before the loading of such goods starts, provided such marks are stamped or otherwise shown clearly upon the goods if uncovered, or on the cases or coverings in which such goods are contained, in such a manner as should ordinarily remain legible until the end of the voyage.