



Carriage of Passengers by Road Act 1974

1974 CHAPTER 35

An Act to give effect to a Convention on the Contract for the International Carriage of Passengers and Luggage by Road, and for purposes connected therewith. [31st July 1974]

PROSPECTIVE

1 Convention to have force of law.

- (1) Subject to the following provisions of this Act, the provisions of the Convention on the Contract for the International Carriage of Passengers and Luggage by Road (in this Act referred to as “the Convention”) as set out in the Schedule to this Act shall have the force of law in the United Kingdom so far as they relate to the rights and liabilities of persons concerned in the carriage of passengers and luggage by road under a contract to which the Convention applies in respect of the death of, or injury to, passengers and damage to, or loss of, luggage or personal effects.
- (2) In this Act any reference to a numbered article is a reference to the article of the Convention so numbered; and “carrier” and “passenger” have the meanings respectively assigned to them by paragraph 2 of article 1.

PROSPECTIVE

2 Designation of Contracting States.

- (1) Her Majesty may by Order in Council from time to time certify who are the Contracting States for the purposes of the Convention and in respect of what territories they are respectively parties.
- (2) An Order in Council under this section may also certify whether Her Majesty’s Government in the United Kingdom or any other Contracting State have made or withdrawn a declaration in accordance with article 31 or 32.

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Carriage of Passengers by Road Act 1974. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (3) An Order in Council under this section shall, except so far as it has been superseded by a subsequent Order, be conclusive evidence of the matters so certified.

PROSPECTIVE

3 Liability of carrier for death or personal injury.

The limit on total damages provided in article 13 shall not apply in relation to a carrier who has his principal place of business in the United Kingdom.

PROSPECTIVE

4 Power of court to take account of other proceedings.

- (1) A court before which proceedings are brought to enforce a liability which is limited by article 13 or 16 may, at any stage of the proceedings, make any such order as appears to the court to be just and equitable in view of the provisions of those articles and of any other proceedings which have been, or are likely to be, commenced in the United Kingdom or elsewhere to enforce the liability in whole or in part.
- (2) Without prejudice to subsection (1) above, a court before which proceedings are brought to enforce a liability which is limited by article 13 or 16 shall, where the liability is, or may be, partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court, or to make any part of its award conditional on the result of any other proceedings.
- (3) Without prejudice to paragraph 3 of article 23, any reference in this section to a court includes a reference to an arbitration tribunal.

PROSPECTIVE

5 Registration of foreign judgments.

- (1) Subject to subsection (2) below, Part I of the ^{M1}Foreign Judgments (Reciprocal Enforcement) Act 1933 (in this section referred to as “the Act of 1933”) shall apply, whether or not it would otherwise have so applied, to any judgment which—
- (a) has been given in any such action as is referred to in paragraph 1 of article 21 by any court or tribunal of a contracting State other than the United Kingdom, and
 - (b) has become enforceable in the territory of that State.
- (2) In the application of Part I of the Act of 1933 in relation to any such judgment as is referred to in subsection (1) above, section 4 of that Act shall have effect with the omission of subsections (2) and (3).

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- (3) The registration, in accordance with Part I of the Act of 1933, of any such judgment as is referred to in subsection (1) above shall constitute, in relation to that judgment, compliance with the required formalities for the purposes of paragraph 3 of article 21.

Annotations:

Marginal Citations

M1 1933 c. 13.

PROSPECTIVE

6 Actions against Contracting States.

Every State which is a Contracting Party for the purposes of the Convention shall, for the purposes of any proceedings brought in a court in the United Kingdom in accordance with the provisions of article 21 to enforce a claim in respect of carriage undertaken by that Party, be deemed to have submitted to the jurisdiction of that court, and accordingly rules of court may provide for the manner in which any such action is to be commenced and carried on; but nothing in this section shall authorise the issue of execution, or in Scotland the execution of diligence, against the property of any Contracting Party.

7 Resolution of conflicts between conventions on carriage of passengers.

- (1) If at any time it appears to Her Majesty in Council that there is any conflict between the provisions of this Act (including the provisions of the Convention) and any provisions relating to the carriage of passengers or luggage for reward by land, sea or air in—
- (a) any other convention which has been signed or ratified by or on behalf of Her Majesty's Government in the United Kingdom before the passing of this Act, or
 - (b) any enactment of the Parliament of the United Kingdom giving effect to such a convention,

Her Majesty may by Order in Council make such provision as may seem to Her to be appropriate for resolving that conflict by amending or modifying this Act or any such enactment.

- (2) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Annotations:

Modifications etc. (not altering text)

C1 S. 7 explained (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), ss. 6(1)(c), 7(2)

8 Amendments consequential on revision of Convention.

- (1) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to any revision of the Convention, [^{F1}whether

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such revision operates by way of amendment of the text of the Convention as then in force or takes the form of a new convention or a part of a new convention having substantially the same effect as the provisions set out in the Schedule to this Act,] Her Majesty may by Order in Council make such amendments—

[^{F2}(a) of this Act; and]

[^{F3}(c) of section 5(1) of the ^{M2}Carriage by Air and Road Act 1979]

as appear to Her to be appropriate in consequence of the revision.

[^{F4}(1A) In the preceding subsection “revision” means an omission from, addition to or alteration of the Convention and includes replacement of the Convention or part of it by another convention.]

(2) If at any time it appears to Her Majesty in Council that Her Majesty’s Government in the United Kingdom have, in pursuance of article 32, reserved the right to apply, in place of articles 11 and 14, the provisions in any other convention in respect of which Her Majesty’s Government are one of the Contracting States concerning civil liability for damage caused by motor vehicles, and that such other provisions, being provisions not less favourable to passengers than the provisions of articles 11 and 14, have come into force, Her Majesty may by Order in Council make such amendments [^{F5}of this Act] as appear to Her to be appropriate in consequence of the coming into force of such other provisions.

(3) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Annotations:

Amendments (Textual)

- F1** Words repealed (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 6(4)(b)**, 7(2)
- F2** [S. 8\(1\)\(a\)](#) substituted for [s.8\(1\)\(a\)\(b\)](#) by [International Transport Conventions Act 1983 \(c. 14, SIF 102\)](#), s. 9, **Sch. 2 para. 3(1)**
- F3** [S. 8\(1\)\(c\)](#) inserted (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 3(4)(b)**, 7(2)
- F4** [S. 8\(1A\)](#) inserted (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 3(4)(c)**, 7(2)
- F5** Words "of this Act" substituted for [s. 8\(2\)\(a\)\(b\)](#) by [International Transport Conventions Act 1983 \(c. 14, SIF 102\)](#), s. 9, **Sch. 2 para. 3(2)**

Modifications etc. (not altering text)

- C2** [S. 8](#) explained (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 6(1)(c)**, 7(2)

Marginal Citations

- M2** [1979 c. 28](#).

9 Application to British possessions, etc.

Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony;
- (d) any state or territory which is for the time being a protectorate or protected state for the purposes of the ^{M3}British Nationality Act 1948.

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Annotations:

Modifications etc. (not altering text)

C3 S. 9 explained (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), ss. 6(1)(c), 7(2)

Marginal Citations

M3 1948 c. 56.

10 Application to Scotland.

- (1) In the application to Scotland of the Schedule to this Act—
 - (a) plaintiff means pursuer, and defendant means defender;
 - (b) costs means expenses, and security for costs means caution for expenses;
 - (c) prima facie evidence means sufficient evidence;
 - (d) judgment means decree, and judgment entered means decree pronounced.
- (2) For the purposes of article 22, as it has effect (as respects Scotland) in relation to arbitrations, where the parties to a dispute to which this Act applies agree to refer the dispute to arbitration, the arbitration shall be deemed to be commenced within the period of limitation specified in that article if, within that period, one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbiter or to agree to the appointment of an arbiter or, where the arbitration agreement provides that the references shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.

11 Application to Northern Ireland.

- (1) In the application of section 5 of this Act to Northern Ireland, any reference to the ^{M4}Foreign Judgments (Reciprocal Enforcement) Act 1933 is a reference to that Act as it applies in Northern Ireland.
- (2) In the application of section 6 of this Act to Northern Ireland, for the words “the issue of execution” there shall be substituted the words “the making of an enforcement order under [^{F6}the Judgments Enforcement (Northern Ireland) Order 1981]”.

Annotations:

Amendments (Textual)

F6 Words substituted by S.I. 1981/226 (N.I.6), Sch. 2 para. 23

Marginal Citations

M4 1933 c. 13.

12 Orders in Council.

An Order in Council made under any of the preceding provisions of this Act may contain such transitional and supplementary provisions as appear to Her Majesty to be expedient and may be varied or revoked by a subsequent Order in Council made under that provision.

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13 Application to Crown.

This Act shall bind the Crown.

14 Short title, interpretation and commencement.

- (1) This Act may be cited as the Carriage of Passengers by Road Act 1974.
- (2) The persons who, for the purposes of this Act, are persons concerned in the carriage of passengers and, where appropriate, their luggage by road under a contract to which the Convention applies are—
 - (a) the carrier,
 - (b) the passenger,
 - (c) any person for whom the carrier is responsible by virtue of article 4,
 - (d) any person to whom the rights and liabilities of any of the persons referred to in paragraphs (a) to (c) of this subsection have passed (whether by assignment or assignation or by operation of law).
- (3) In article 12 “injury”, in the first and last place where it occurs, shall be taken to mean “loss or damage”; and in paragraph 1 of article 13 “principal establishment” shall be taken to mean “principal place of business”.
- (4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.
- (5) Sections 1 to 6 above shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom, but nothing in this Act shall apply in relation to any contract to which the Convention applies made before the day so certified.

Annotations:

Modifications etc. (not altering text)

C4 No day certified under s. 14(5)

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PROSPECTIVE

SCHEDULE

Section 1.

CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL
CARRIAGE OF PASSENGERS AND LUGGAGE BY ROAD

CHAPTER I

SCOPE OF APPLICATION

Article 1

- 1 This Convention shall apply to every contract for the carriage of passengers and, where appropriate, of their luggage in vehicles by road when the contract provides that the carriage shall take place in the territory of more than one State and that the place of departure or the place of destination, or both these places, shall be situated on the territory of a Contracting State, irrespective of the place of residence and the nationality of the Parties.
- 2 For the purposes of this Convention:
- (a) “carrier” means any person who in the course of trade or business, but acting other than as an operator of a taxi service or of a service hiring out vehicles with drivers, undertakes under an individual or collective contract of carriage to carry one or more persons and, where appropriate, their luggage, whether or not he performs the carriage himself;
 - (b) “passenger” means any person who, in the performance of a contract of carriage made by him or on his behalf, is carried either for reward or gratuitously by a carrier;
 - (c) “vehicle” means any motor vehicle used in the performance of a contract of carriage and intended for the carriage of persons; a trailer shall be deemed to form part of the vehicle.
- 3 This Convention shall also apply where the carrier is a State or other public body.
- 4 The Contracting States undertake not to vary any of the provisions of this Convention by special agreements between two or more of them, except to make it inapplicable to their frontier traffic.

Article 2

Where carriage by road is interrupted and another mode of transport is used, this Convention shall nevertheless apply to the portions of carriage which are performed by road, even if they are not international within the meaning of article 1, provided that they are not ancillary to the other mode of transport.

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Article 3

Where the vehicle itself is carried over part of the journey by another mode of transport, this Convention shall apply to loss or damage caused by an incident connected with the carriage by the vehicle and which occurs either while the passenger is inside the vehicle or is entering or alighting from the vehicle, or in connection with the fact that luggage is on or in the vehicle or is being loaded or unloaded.

CHAPTER II

PERSONS FOR WHOM THE CARRIER IS RESPONSIBLE

Article 4

For the purposes of this Convention, the carrier shall be responsible for the acts and omissions of his agents and servants and of all other persons of whose services he makes use for the performance of the obligations which are incumbent upon him by virtue of the contract of carriage by road when such agents, servants or other persons are acting within the scope of their employment, as if such acts or omissions were his own.

CHAPTER III

TRANSPORT DOCUMENTS

Section 1. Passengers

Article 5

- 1 Where passengers are carried, the carrier shall issue an individual or a collective ticket. The absence, irregularity or loss of the ticket shall not affect the existence or the validity of the contract of carriage, which shall remain subject to the provisions of this Convention.
- 2 The ticket shall show the name and the address of the carrier and shall contain the statement that the contract is subject, any clause to the contrary notwithstanding, to the provisions of this Convention.
- 3 The carrier shall be liable for any damage which may be caused to the passengers by a breach of the obligations placed upon him by this article.

Article 6

The ticket shall be prima facie evidence of the particulars shown on it.

Article 7

Unless the ticket contains a provision to the contrary it shall, if it is not made out in the passenger's name, be transferable at any time before the journey begins.

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Section 2. Luggage

Article 8

- 1 The carrier may, and at the request of the passenger shall, issue a luggage registration voucher indicating the number and nature of the pieces of luggage handed over to him. The voucher shall be issued free, subject to the collection of any taxes payable on it.
- 2 The luggage registration voucher, if it is not combined with a ticket, shall state the name and address of the carrier and shall contain the statement that the contract is subject, any clause to the contrary notwithstanding, to the provisions of this Convention.
- 3 The carrier shall be liable for any damage which may be caused to the passengers by a breach of the obligations placed upon him by this article.

Article 9

The luggage registration voucher shall be prima facie evidence of the particulars shown on it and, subject to such reservations as may be entered on it, that the luggage appeared to be in good condition when handed over.

Article 10

- 1 A carrier acting in good faith shall be deemed to have made a valid delivery of the luggage if he delivers the luggage to the holder of the luggage registration voucher.
- 2 If the luggage registration voucher is not produced, the carrier shall not be obliged to deliver the luggage covered by it unless the person claiming the luggage can prove his right thereto; should the evidence appear insufficient, the carrier may require adequate security for the luggage and such security shall be returned within a period of one year from the date on which it was paid over.
- 3 Luggage which is not claimed on the arrival of the vehicle, whether or not a voucher has been issued, shall be deposited in a safe and convenient place; such luggage shall be deemed to be in the custody of the carrier on behalf of the passenger; such custody may be entrusted to a third party; the person having custody shall be entitled to a fair remuneration. All other matters connected with the deposit of unclaimed luggage shall be governed by the law of the place where the luggage has been deposited.

CHAPTER IV

LIABILITY OF THE CARRIER

Section 1. Personal Injuries

Article 11

- 1 The carrier shall be liable for loss or damage resulting from the death or wounding of or from any other bodily or mental injury caused to a passenger as the result of

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an accident connected with the carriage and occurring while the passenger is inside the vehicle or is entering or alighting from the vehicle, or occurring in connection with the loading or unloading of luggage.

2 The carrier shall be relieved of this liability if the accident was caused by circumstances which a carrier, using the diligence which the particular facts of the case called for, could not have avoided and the consequences of which he was unable to prevent.

3 The carrier shall not be relieved of liability by reason of any physical or mental failing of the driver, of any defect in, or malfunctioning of, the vehicle, or of any wrongful act or neglect on the part of the person from whom he may have hired the vehicle or of the persons for whom the latter would have been responsible, in accordance with the provisions of article 4, if he had himself been the carrier.

Article 12

Subject to article 13, paragraph 1, the court or tribunal seized of the case shall determine in accordance with the national law of the place where the said court or tribunal is situated, including the rules relating to conflict of laws, the extent of the injury giving rise to compensation as a result of the death or wounding of or any other bodily or mental injury caused to a passenger as well as what persons are entitled to compensation for such injury.

Article 13

1 The total damages payable by the carrier in respect of the same occurrence shall not exceed [F7250,000 francs][F783,333 units of account] for each victim. Any Contracting State may, however, set a higher limit or set no limit at all. When the carrier has his principal establishment in such a State, or in a non-contracting State whose legislation provides for a higher limit or does not provide for a limit at all, the law of that State, not including the rules relating to conflict of laws, shall apply for the determination of the total amount.

Annotations:

Amendments (Textual)

F7 Words “83,333 units of account” substituted (*prosp.*) for words “250,000 francs” by Carriage by Air and Road Act 1979 (c. 28), ss. 4(3)(a), 7(2)

2 The amount referred to in paragraph 1 of this article shall be exclusive of legal or other costs incurred by the parties in asserting their rights, payment or reimbursement of which may devolve on the carrier, and of interest calculated in conformity with the law judged applicable by the court seized of the case.

3 A higher limit may be agreed between the parties to the contract of carriage. Unless the contract provides otherwise, such agreement shall be for the benefit of all persons entitled to compensation.

4 The limitations of damages referred to in this article shall apply to all the claims arising out of the death or wounding of, or any other bodily or mental injury to, a passenger. Where there is more than one claimant and the total of their claims exceeds the limit established, the claims shall be reduced proportionately.

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Section 2. Damage to Luggage

Article 14

1 The carrier shall be liable for loss or damage resulting from the total or partial loss of luggage and for damage thereto.

The carrier shall be responsible for luggage handed to him from the time when he takes charge of it until the time either of its delivery or of its deposit in accordance with article 10, paragraph 3.

The carrier shall be responsible for other luggage while it is in the vehicle but if, in circumstances other than of an accident, the luggage is stolen or cannot be found, the carrier shall be responsible only if it had been placed in his care. Such other luggage shall be deemed to include personal effects carried or worn by the passenger.

2 The carrier shall be relieved of this liability, if the loss or damage results from an inherent defect in the luggage, from a special risk inherent in its perishable or dangerous nature or from circumstances which a carrier using the diligence which the particular facts of the fact called for could not have avoided and the consequences of which he was unable to prevent.

3 The carrier shall not be relieved of liability by reason of any physical or mental failing of the driver, of any defect in or malfunctioning of the vehicle, or of any wrongful act or neglect on the part of the person from whom he may have hired the vehicle or of the persons for whom the latter would have been responsible, in accordance with the provisions of article 4, if he had himself been the carrier.

Article 15

1 Luggage not delivered within fourteen days from the date on which the passenger claims it shall be deemed to be lost.

2 If a piece of luggage which is deemed to be lost is recovered within one year following the date on which the passenger claims it, the carrier shall take all reasonable steps to notify the passenger. Within the thirty days following receipt of such notification the passenger may, against refund of any compensation which may have been paid in respect of the loss but without prejudice to any claims to compensation for delay, have the piece of luggage delivered to him either at the place of departure or at the place appointed for delivery.

Article 16

1 When under the provisions of this Convention a carrier is liable for compensation in respect of total or partial loss of, or in respect of damage to, luggage, such compensation shall be claimable in an amount equal to the amount of the loss or damage, but it shall not exceed [F8500 francs][F8166.67 units of account] for each piece of luggage nor [F82,000 francs][F8666.67 units of account] for each passenger. Compensation may also be claimed in respect of total or partial loss of, or in respect of damage to, personal effects carried or worn by the passenger, but it shall not exceed [F91,000 francs][F9333.33 units of account] for each passenger.

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Annotations:

Amendments (Textual)

- F8** Words “166.67 units of account” and “666.67 units of account” substituted (*prosp.*) for words “500 francs” and “2,000 francs” respectively by Carriage by [Air and Road Act 1979 \(c. 28\)](#), ss. 4(3)(b), 7(2)
- F9** Words “333.33 units of account” substituted (*prosp.*) for words “1,000 francs” by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 4(3)(b), 7(2)**

2 The amounts referred to in paragraph 1 of this article shall be exclusive of legal or other costs incurred by the parties in asserting their rights, payment or reimbursement of which may devolve on the carrier, and of interest calculated in conformity with the law judged applicable by the court seized of the case.

3 Higher limits may be agreed between the parties to the contract of carriage.

Section 3. General Provisions

Article 17

1 The carrier shall be exonerated wholly or in part from his liability under this Convention to the extent that loss or damage results from the wrongful act or neglect of the passenger or from conduct by the passenger not conforming to the normal conduct of a passenger.

2 Where the carrier is liable for the loss or damage but a third party has contributed thereto by his acts or omissions, the carrier shall be liable for the whole of such loss or damage without prejudice to any right of recourse he may have against such third party.

3 The carrier shall not be liable under this Convention for loss or damage caused by a nuclear incident when, pursuant to special provisions in force in a Contracting State governing liability in the field of nuclear energy, the operator of a nuclear installation or another person who is substituted for him is liable for the loss or damage.

Article 18

1 In all cases governed by this Convention, proceedings for liability on any grounds whatever may not be instituted against the carrier or against persons for whom he is responsible under article 4 otherwise than on the terms and within the limits laid down in this Convention.

2 If the loss or damage results from wilful misconduct or gross negligence by the carrier or a person for whom he is responsible under article 4, the carrier shall not be entitled to avail himself of the provisions of this Convention which exclude his liability wholly or in part or which limit the compensation payable. The same rule shall apply to a person for whom the carrier is responsible under article 4 if that person’s liability is involved and the loss or damage results from wilful misconduct or gross negligence by that person.

3 Subject to the provisions of the preceding paragraph, the total amount of compensation payable by the carrier and by the persons for whom the carrier

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is responsible under article 4 shall not exceed the amounts prescribed in the preceding sections of this chapter.

f^{XI} Article 19

Annotations:

Editorial Information

- X1** [Article 19](#) commencing “The Unit of Account” substituted (*prosp.*) for Article 19 commencing “The franc” by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 4(3)(c)**, 7(2)

The franc referred to in this Convention shall be the gold franc weighing 10/31 of a gramme and being of millesimal fineness 900.]

f^{F10X2} Article 19

Annotations:

Editorial Information

- X2** [Article 19](#) commencing "The unit of Account" substituted (*prosp.*) for Article 19 commencing "The franc" by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 4(3)(c)**, 7(2)

Amendments (Textual)

- F10** [Article 19](#) commencing “The Unit of Account” substituted (*prosp.*) for Article 19 commencing “The franc” by Carriage by [Air and Road Act 1979 \(c. 28\)](#), **ss. 4(3)(c)**, 7(2)

The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in articles 13 and 16 of this Convention 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.]

CHAPTER V

CLAIMS AND ACTIONS

Article 20

- 1 The receipt of luggage by a passenger without complaint on his part shall be prima facie evidence that the luggage was delivered complete and in good condition. The complaint must be made to the carrier either orally or in writing within the seven days next following actual receipt of the luggage by the complainant.

In the case of luggage not handed over to the carrier, the period specified above shall run from the time when the loss or damage is noticed, and from not later than the time of arrival of the vehicle at the place of destination of the passenger.

- 2 The passenger shall be relieved of the obligations imposed on him by paragraph 1 of this article if the loss or condition of the luggage has been duly checked by the passenger and the carrier.

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Article 21

- 1 In all legal proceedings arising out of carriage under this Convention the plaintiff may bring an action in any court or tribunal of a Contracting Party designated by agreement between the parties and, in addition, in the courts or tribunals of the country within whose territory is situated:
- (a) the place where the defendant has his principal place of business, is habitually resident, or has the place of business through which the contract of carriage was made; or
 - (b) the place where the loss or damage occurred; or
 - (c) the place of departure or of destination of the carriage;
- and in no other court or tribunal.
- 2 Where in respect of a claim to which paragraph 1 of this article applies an action is pending before a court or tribunal competent under this paragraph or where in respect of such a claim judgment has been entered by such a court or tribunal, no new action shall be started on the same grounds between the same parties unless the judgment of the court or tribunal before which the first action was brought is not enforceable in the country in which the fresh proceedings are brought.
- 3 Where a judgment entered by a court or tribunal of a Contracting State, the said court or tribunal having jurisdiction in accordance with the provisions of this paragraph, in any such claim as is referred to in paragraph 1 of this article has become enforceable in that State, such judgment shall become enforceable in each of the other Contracting States as soon as the formalities required in the State concerned have been complied with. The merits of the case shall not be re-opened.
- 4 The provisions of the preceding paragraph shall apply to judgments after trials, judgments by default and settlements confirmed by an order of the court, but shall not apply to interim judgments or to awards of damages in addition to costs against a plaintiff who fails wholly or partly in his action.
- 5 Security for costs of proceedings arising out of carriage under this Convention shall not be required from nationals of Contracting States who have their residence or a place of business in one of those States.

Article 22

- 1 The period of limitation for actions arising out of the death or wounding of or out of any other bodily or mental injury to a passenger shall be three years.
- The period of limitation shall run from the date on which the person suffering the loss or damage had or should have had knowledge of it. However, the period of limitation shall not exceed five years from the date of the accident.
- 2 The period of limitation for actions arising out of carriage under this Convention other than those referred to in paragraph 1 of this article shall in all cases be one year.
- The period of limitation shall run from the date on which the vehicle arrived at the place of destination of the passenger or, in the case of non-arrival, from the date on which the vehicle ought to have arrived at the place of destination of the passenger.
- 3 A written claim shall suspend the period of limitation until the date on which the carrier rejects the claim by notification in writing and returns any documents handed to him in support of the claim. If a part of the claim is admitted, the period

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of limitation shall start to run again only in respect of that part of the claim which is still in dispute. The burden of proof of the receipt of the claim or of the reply and of the return of the documents shall rest with the party relying upon those facts. Further claims having the same object shall not suspend the running of the period of limitation unless the carrier agrees to consider them.

- 4 Subject to the provisions of the preceding paragraph, the extension of the period of limitation shall be governed by the provisions of the law of the court or tribunal seized of the case not including the rules relating to conflict of laws. That law shall also govern the fresh accrual of rights of action.

CHAPTER VI

NULLITY OF STIPULATIONS TO THE CONVENTION

Article 23

- 1 Any stipulation which would directly or indirectly derogate from the provisions of this Convention shall be null and void. The nullity of such a stipulation shall not involve the nullity of the other provisions of the contract.
- 2 In particular, any clause assigning to the carrier the benefit of any insurance made in favour of the passenger or any similar clause, or any clause shifting the burden of proof, shall be null and void.
- 3 Any clause assigning to an arbitral tribunal a jurisdiction which is stipulated before the event that caused the damage shall likewise be null and void.

CHAPTER VII

FINAL PROVISIONS

Article 31

- 1 Any Contracting Party to the Agreement on General Conditions for International Carriage of Passengers by Bus, signed at Berlin on 5 December 1970, may at the time of signing, ratifying or acceding to this Convention, or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that in the event of conflict between this Convention and the aforesaid Agreement it will apply the provisions of the latter to an operation for which, according to the contract of carriage,
- (a) the places of departure and of destination are situated in the territory of a State which has made the declaration, or
 - (b) carriage is to take place in the territory of at least one State which has made the said declaration and is not to take place in the territory of any Contracting Party to this Convention which has not made the declaration.
- 2 The declaration referred to in paragraph 1 of this article may be withdrawn at any time by notification addressed to the Secretary-General of the United Nations.

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Article 32

- 1 Any Contracting Party may, at the time of signing, ratifying or acceding to this Convention or at any time thereafter declare, by notification addressed to the Secretary-General of the United Nations, that it reserves the right to apply in place of articles 11 and 14 of this Convention, such relevant provisions of any international convention concerning civil liability for damage caused by motor vehicles to which it is or may become party, and which would be more favourable to the passengers.
- 2 The reservation referred to in paragraph 1 of this article may be withdrawn at any time by notification addressed to the Secretary-General of the United Nations.

[In Chapter VII of the Convention, which deals with signature, accession, coming into force, denunciation, application, reservations and revisions, only articles 31 and 32 are reproduced.]

Status:

This version of this Act contains provisions that are prospective.

Changes to legislation:

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Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act repealed by [2004 c. 14 Sch. 1 Pt. 14](#)