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Carriage by Air Act 1961

CHAPTER 27

CARRIAGE BY AIR ACT 1961

- 1 Convention to have force of law.
- 2 Designation of High Contracting Parties.
- 3 Fatal accidents.
- 4 Limitation of liability.
- 4A Notice of partial loss.
- 5 Time for bringing proceedings.
- 6 Contributory negligence.
- 7 Power to exclude aircraft in use for military purposes.
- 8 Actions against High Contracting Parties.
- 8A Amendments consequential on revision of Convention.
- 9 Application to British possessions, etc.
- 10 Application to carriage by air not governed by Convention.
- 11 Application to Scotland.
- 12 Application to Northern Ireland.
- 13 Application to Crown.
- 14 Short title, interpretation and repeals.

SCHEDULES

- FIRST SCHEDULE — THE WARSAW CONVENTION WITH THE AMENDMENTS
MADE IN IT BY THE HAGUE PROTOCOL
- PART I — THE ENGLISH TEXT CONVENTION FOR THE UNIFICATION OF
CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY
AIR

Status: Point in time view as at 01/02/1991.

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CHAPTER 1

SCOPE—DEFINITIONS

Article 1

- (1) This Convention applies to all international carriage of persons, baggage...
- (2) For the purposes of this Convention, the expression international carriage...
- (3) Carriage to be performed by several successive air carriers is...

Article 2

- (1) This Convention applies to carriage performed by the State or...
- (2) This Convention shall not apply to carriage of mail and...

CHAPTER II

DOCUMENTS OF CARRIAGE

Section 1.—Passenger Ticket

Article 3

- (1) In respect of the carriage of passengers a ticket shall...
- (2) The passenger ticket shall constitute prima facie evidence of the...

Section 2.—Baggage Check

Article 4

- (1) In respect of the carriage of registered baggage, a baggage...
- (2) The baggage check shall constitute prima facie evidence of the...

Section 3.—Air Waybill

Article 5

- (1) Every carrier of cargo has the right to require the...
- (2) The absence, irregularity or loss of this document does not...

Article 6

- (1) The air waybill shall be made out by the consignor...
- (2) The first part shall be marked “for the carrier,” and...
- (3) The carrier shall sign prior to the loading of the...
- (4) The signature of the carrier may be stamped; that of...
- (5) If, at the request of the consignor, the carrier makes...

Article 7

The carrier of cargo has the right to require the...

Article 8

The air waybill shall contain: (a) an indication of the...

Status: Point in time view as at 01/02/1991.

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Article 9

If, with the consent of the carrier, cargo is loaded...

Article 10

- (1) The consignor is responsible for the correctness of the particulars...
- (2) The consignor shall indemnify the carrier against all damage suffered...

Article 11

- (1) The air waybill is prima facie evidence of the conclusion...
- (2) The statements in the air waybill relating to the weight,...

Article 12

- (1) Subject to his liability to carry out all his obligations...
- (2) If it is impossible to carry out the orders of...
- (3) If the carrier obeys the orders of the consignor for...
- (4) The right conferred on the consignor ceases at the moment...

Article 13

- (1) Except in the circumstances set out in the preceding Article,...
- (2) Unless it is otherwise agreed, it is the duty of...
- (3) If the carrier admits the loss of the cargo, or...

Article 14

The consignor and the consignee can respectively enforce all the...

Article 15

- (1) Articles 12, 13 and 14 do not effect either the...
- (2) The provisions of Articles 12, 13 and 14 can only...
- (3) Nothing in this Convention prevents the issue of a negotiable...

Article 16

- (1) The consignor must furnish such information and attach to the...
- (2) The carrier is under no obligation to enquire into the...

CHAPTER III

LIABILITY OF THE CARRIER

Article 17

The carrier is liable for damage sustained in the event...

Article 18

- (1) The carrier is liable for damage sustained in the event...
- (2) The carriage by air within the meaning of the preceding...
- (3) The period of the carriage by air does not extend...

Status: Point in time view as at 01/02/1991.

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Article 19

The carrier is liable for damage occasioned by delay in...

Article 20

The carrier is not liable if he proves that he...

Article 21

If the carrier proves that the damage was caused by...

Article 22

- (1) In the carriage of persons the liability of the carrier...
- (2) (a) In the carriage of registered baggage and of cargo,...
- (3) As regards objects of which the passenger takes charge himself...
- (4) The limits prescribed in this Article shall not prevent the...
- (5) The sums mentioned in francs in this Article shall be...

Article 23

- (1) Any provision tending to relieve the carrier of liability or...
- (2) Paragraph (1) of this Article shall not apply to provisions...

Article 24

- (1) In the cases covered by Articles 18 and 19 any...
- (2) In the cases covered by Article 17 the provisions of...

Article 25

The limits of liability specified in Article 22 shall not...

Article 25A

- (1) If an action is brought against a servant or agent...
- (2) The aggregate of the amounts recoverable from the carrier, his...
- (3) The provisions of paragraphs (1) and (2) of this Article...

Article 26

- (1) Receipt by the person entitled to delivery of baggage or...
- (2) In the case of damage, the person entitled to delivery...
- (3) Every complaint must be made in writing upon the document...
- (4) Failing complaint within the times aforesaid, no action shall lie...

Article 27

In the case of the death of the person liable,...

Article 28

- (1) An action for damages must be brought, at the option...
- (2) Questions of procedure shall be governed by the law of...

Article 29

- (1) The right to damages shall be extinguished if an action...

Status: Point in time view as at 01/02/1991.

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- (2) The method of calculating the period of limitation shall be...

Article 30

- (1) In the case of carriage to be performed by various...
(2) In the case of carriage of this nature, the passenger...
(3) As regards baggage or cargo, the passenger or consignor will...

CHAPTER IV

PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31

- (1) In the case of combined carriage performed partly by air...
(2) Nothing in this Convention shall prevent the parties in the...

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 32

Any clause contained in the contract and all special agreements...

Article 33

Nothing contained in this Convention shall prevent the carrier either...

Article 34

The provisions of Articles 3 to 9 inclusive relating to...

Article 35

The expression "days" when used in this Convention means current...

Article 36

The Convention is drawn up in French in a single...

Article 40A

- (1) [This paragraph is not reproduced. It defines "High Contracting...
(2) For the purposes of the Convention the word territory means...
[Articles 37, 38, 39, 40 and 41 and the...

ADDITIONAL PROTOCOL

(With reference to Article 2)

The High Contracting Parties reserve to themselves the right to...

PART II — THE FRENCH TEXT
CONVENTION POUR L'UNIFICATION
DE CERTAINES REGLES RELATIVES AU TRANSPORT
AERIEN INTERNATIONAL

Status: Point in time view as at 01/02/1991.

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CHAPITRE IER

OBJET—DÉFINITIONS

Article 1er

- (1) La présente Convention s'applique à tout transport international de personnes,...
- (2) Est qualifié transport international, au sens de la présente Convention,...
- (3) Le Transport à exécuter par plusieurs transporteurs par air successifs...

Article 2

- (1) La Convention s'applique aux transports effectués par l'Etat ou les...
- (2) La présente Convention ne s'applique pas au transport du courrier...

CHAPITRE II

TITRE DE TRANSPORT

Section 1.—Billet de passage

Article 3

- (1) Dans le transport de passagers, un billet de passage doit...
- (2) Le billet de passage fait foi, jusqu'à preuve contraire, de...

Section 2.—Bulletin de bagages

Article 4

- (1) Dans le transport de bagages enregistrés, un bulletin de bagages...
- (2) Le bulletin de bagages fait foi, jusqu'à preuve contraire, de...

Section 3.—Lettre de transport aérien

Article 5

- (1) Tout transporteur de marchandises a le droit de demander à...
- (2) Toutefois, l'absence, l'irrégularité ou la perte de ce titre n'affecte...

Article 6

- (1) La lettre de transport aérien est établie par l'expéditeur en...
- (2) Le premier exemplaire porte la mention "pour le transporteur"; il...
- (3) La signature du transporteur doit être apposée avant l'embarquement de...
- (4) La signature du transporteur peut être remplacée par un timbre;...
- (5) Si, à la demande de l'expéditeur, le transporteur établit la...

Article 7

Le transporteur de marchandises a le droit de demander à...

Article 8

La lettre de transport aérien doit contenir:

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Article 9

Si, du consentement du transporteur, des marchandises sont embarquées à...

Article 10

- (1) L'expéditeur est responsable de l'exactitude des indications et déclarations concernant...
- (2) Il supportera la responsabilité de tout dommage subi par le...

Article 11

- (1) La lettre de transport aérien fait foi, jusqu'à preuve contraire,...
- (2) Les énonciations de la lettre de transport aérien, relatives au...

Article 12

- (1) L'expéditeur a le droit, sous la condition d'exécuter toutes les...
- (2) Dans le cas où l'exécution des ordres de l'expéditeur est...
- (3) Si le transporteur se conforme aux ordres de disposition de...
- (4) Le droit de l'expéditeur cesse au moment où celui du...

Article 13

- (1) Sauf dans les cas indiqués à l'article précédent, le destinataire...
- (2) Sauf stipulation contraire, le transporteur doit aviser le destinataire dés...
- (3) Si la perte de la marchandise est reconnue par le...

Article 14

L'expéditeur et le destinataire peuvent faire valoir tous les droits...

Article 15

- (1) Les articles 12, 13 et 14 ne portent aucun préjudice...
- (2) Toute clause dérogeant aux stipulations des articles 12, 13 et...
- (3) Rien dans la présente Convention n'empêche l'établissement d'une lettre de...

Article 16

- (1) L'expéditeur est tenu de fournir les renseignements et de joindre...
- (2) Le transporteur n'est pas tenu d'examiner si ces renseignements et...

CHAPITRE III

RESPONSABILITÉ DU TRANSPORTEUR

Article 17

Le transporteur est responsable du dommage survenu en cas de...

Article 18

- (1) Le transporteur est responsable du dommage survenu en cas de...
- (2) Le transport aérien, au sens de l'alinéa précédent, comprend la...
- (3) La période du transport aérien ne couvre aucun transport terrestre,...

Status: Point in time view as at 01/02/1991.

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Article 19

Le transporteur est responsable du dommage résultant d'un retard dans...

Article 20

Le transporteur n'est pas responsable s'il prouve que lui et...

Article 21

Dans le cas où le transporteur fait la preuve que...

Article 22

- (1) Dans le transport des personnes, la responsabilité du transporteur relative...
- (2) (a) Dans le transport de bagages enregistrés et de marchandises,...
- (3) En ce qui concerne les objets dont le passager conserve...
- (4) Les limites fixées par le présent article n'ont pas pour...
- (5) Les sommes indiquées en francs dans le présent article sont...

Article 23

- (1) Toute clause tendant à exonérer le transporteur de sa responsabilité...
- (2) L'alinéa 1– U du présent article ne s'applique pas aux...

Article 24

- (1) Dans les cas prévus aux articles 18 et 19 toute...
- (2) Dans les cas prévus à l'article 17, s'appliquent également les...

Article 25

Les limites de responsabilité prévues à l'article 22 ne s'appliquent...

Article 25A

- (1) Si une action est intentée contre un préposé du transporteur...
- (2) Le montant total de la réparation qui, dans ce cas,...
- (3) Les dispositions des alinéas 1 et 2 du présent article...

Article 26

- (1) La réception des bagages et marchandises sans protestation par le...
- (2) En cas d'avarie, le destinataire doit adresser au transporteur une...
- (3) Toute protestation doit être faite par réserve inscrite sur le...
- (4) A défaut de protestation dans les délais prévus, toutes actions...

Article 27

En cas de décès du débiteur, l'action en responsabilité, dans...

Article 28

- (1) L'action en responsabilité devra être portée, au choix du demandeur,...
- (2) La procédure sera réglée par la loi du tribunal...

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Article 29

- (1) L'action en responsabilité doit être intentée, sous peine de déchéance,...
- (2) Le mode du calcul du délai est déterminé par la...

Article 30

- (1) Dans les cas de transport régis par la définition du...
- (2) Au cas d'un tel transport, le voyageur ou ses ayants...
- (3) S'il s'agit de bagages ou de marchandises, l'expéditeur aura recours...

CHAPITRE IV

DISPOSITIONS RELATIVES AUX TRANSPORTS COMBINÉS

Article 31

- (1) Dans le cas de transports combinés effectués en partie par...
- (2) Rien dans la présente Convention n'empêche les parties, dans le...

CHAPITRE V

DISPOSITIONS GÉNÉRALES ET FINALES

Article 32

Sont nulles toutes clauses du contrat de transport et toutes...

Article 33

Rien dans la présente Convention ne peut empêcher un transporteur...

Article 34

Les dispositions des articles 3 à 9 inclus relative aux...

Article 35

Lorsque dans la présente Convention il est question de jours,...

Article 36

La présente Convention est rédigée en français en un seul...

Article 40A

- (1)
- (2) Aux fins de la Convention, le mot territoire signifie non...

PROTOCOLE ADDITIONNEL

Ad Article 2

Les Hautes Parties Contractantes se réservent le droit de déclarer...

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SCHEDULE 1 — THE WARSAW CONVENTION AS AMENDED AT THE
HAGUE IN 1955 AND BY PROTOCOLS NO. 3 AND NO. 4
SIGNED AT MONTREAL IN 1975
PART I — THE ENGLISH TEXT

CHAPTER I

SCOPE—DEFINITIONS

Article 1

- (1) This Convention applies to all international carriage of persons,...
- (2) For the purposes of this Convention, the expression international...
- (3) Carriage to be performed by several successive air carriers...

Article 2

- (1) This Convention applies to carriage performed by the State...
- (2) In the carriage of postal items the carrier shall...
- (3) Except as provided in paragraph (2) of this Article,...

CHAPTER II

DOCUMENTS OF CARRIAGE

SECTION 1—PASSENGER TICKET

Article 3

- (1) In respect of the carriage of passengers an individual or...
- (2) Any other means which would preserve a record of the...
- (3) Non-compliance with the provisions of the foregoing paragraphs shall not...

SECTION 2—BAGGAGE CHECK

Article 4

- (1) In respect of the carriage of checked baggage, a baggage...
- (2) Any other means which would preserve a record of the...
- (3) Non-compliance with the provisions of the foregoing paragraphs shall not...

SECTION 3—DOCUMENTATION RELATING TO CARGO

Article 5

- (1) In respect of the carriage of cargo an air waybill...
- (2) Any other means which would preserve a record of the...
- (3) The impossibility of using, at points of transit and destination,...

Article 6

- (1) The air waybill shall be made out by the consignor...
- (2) The first part shall be marked "for the carrier"; it...
- (3) The signature of the carrier and that of the consignor...

Status: Point in time view as at 01/02/1991.

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- (4) If, at the request of the consignor, the carrier makes...

Article 7

When there is more than one package:

Article 8

The air waybill and the receipt for the cargo shall...

Article 9

Non-compliance with the provisions of Articles 5 to 8 shall...

Article 10

- (1) The consignor is responsible for the correctness of the particulars...
- (2) The consignor shall indemnify the carrier against all damage suffered...
- (3) Subject to the provisions of paragraphs (1) and (2) of...

Article 11

- (1) The air waybill or the receipt for the cargo is...
- (2) Any statements in the air waybill or the receipt for...

Article 12

- (1) Subject to his liability to carry out all his obligations...
- (2) If it is impossible to carry out the orders of...
- (3) If the carrier obeys the orders of the consignor for...
- (4) The right conferred on the consignor ceases at the moment...

Article 13

- (1) Except when the consignor has exercised his right under Article...
- (2) Unless it is otherwise agreed, it is the duty of...
- (3) If the carrier admits the loss of the cargo, or...

Article 14

The consignor and the consignee can respectively enforce all the...

Article 15

- (1) Articles 12, 13 and 14 do not affect either the...
- (2) The provisions of Articles 12, 13 and 14 can only...

Article 16

- (1) The consignor must furnish such information and such documents as...
- (2) The carrier is under no obligation to enquire into the...

CHAPTER III

LIABILITY OF THE CARRIER

Status: Point in time view as at 01/02/1991.

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Article 17

- (1) The carrier is liable for damage sustained in case...
- (2) The carrier is liable for damage sustained in case...
- (3) Unless otherwise specified, in this Convention the term “...

Article 18

- (1) The carrier is liable for damage sustained in the...
- (2) However, the carrier is not liable if he proves...
- (3) The carriage by air within the meaning of paragraph...
- (4) The period of the carriage by air does not...

Article 19

Article 20

Article 21

- (1) In the carriage of passengers and baggage, if the...
- (2) In the carriage of cargo, if the carrier proves...

Article 22

- (1) (a) In the carriage of persons the liability of...
- (2) (a) The courts of the High Contracting Parties which...
- (3) The sums mentioned in terms of special drawing right...

Article 22A

- (1) (a) In the carriage of cargo, the liability of...
- (2) The limits prescribed in this Article shall not prevent...
- (3) The sums mentioned in terms of special drawing right...

Article 23

- (1) Any provision tending to relieve the carrier of liability...
- (2) Paragraph (1) of this Article shall not apply to...

Article 24

Article 25A

- (1) If an action is brought against a servant or...
- (2) The aggregate of the amounts recoverable from the carrier,...

Article 26

- (1) Receipt by the person entitled to delivery of baggage...
- (2) In the case of damage, the person entitled to...
- (3) Every complaint must be made in writing upon the...
- (4) Failing complaint within the times aforesaid, no action shall...

Status: Point in time view as at 01/02/1991.

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Article 27

Article 28

- (1) An action for damages must be brought, at the...
- (2) In respect of damage resulting from the death, injury...
- (3) Questions of procedure shall be governed by the law...

Article 29

- (1) The right to damages shall be extinguished if an...
- (2) The method of calculating the period of limitation shall...

Article 30

- (1) In the case of carriage to be performed by...
- (2) In the case of carriage of this nature, the...
- (3) As regards baggage or cargo, the passenger or consignor...

Article 30A

CHAPTER IV

PROVISIONS RELATING TO COMBINED CARRIAGE

Article 31

- (1) In the case of combined carriage performed partly by...
- (2) Nothing in this Convention shall prevent the parties in...

CHAPTER V

GENERAL AND FINAL PROVISIONS

Article 32

Article 33

Article 34

Article 35

Article 35A

No provision contained in this Convention shall prevent a State...

Article 40A

- (1) [This paragraph is not reproduced. It defines “High...
- (2) For the purposes of the Convention the word territory...

PART II — THE FRENCH TEXT CHAPITRE IER OBJET — DÉFINITIONS

CHAPITRE IER

OBJET — DÉFINITIONS

Status: Point in time view as at 01/02/1991.

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Article 1er

- (1) La présente Convention s'applique à tout transport international de...
- (2) Est qualifié transport international ; au sens de la...
- (3) Le transport à exécuter par plusieurs transporteurs par air...

Article 2

- (1) La Convention s'applique aux transports effectués par l'Etat ou...
- (2) Dans le transport des envois postaux, le transporteur n'est...
- (3) Les dispositions de la présente Convention autres que celles...

CHAPITRE II

TITRES DE TRANSPORT

SECTION 1—BILLET DE PASSAGE

Article 3

- (1) Dans le transport de passagers, un titre de transport individuel...
- (2) L'emploi de tout autre moyen constatant les indications qui figurent...
- (3) L'inobservation des dispositions de l'alinéa précédent n'affecte ni l'existence ni...

SECTION 2—BULLETIN DE BAGGAGES

Article 4

- (1) Dans le transport de bagages enregistrés, un bulletin de bagages...
- (2) L'emploi de tout autre moyen constatant les indications qui figurent...
- (3) L'inobservation des dispositions de l'alinéa précédent n'affecte ni l'existence ni...

SECTION 3—DOCUMENTATION RELATIVE AUX MARCHANDISES

Article 5

- (1) Pour le transport de marchandises une lettre de transport aérien...
- (2) L'emploi de tout autre moyen constatant les indications relatives au...
- (3) L'impossibilité d'utiliser, aux points de transit et de destination, les...

Article 6

- (1) La lettre de transport aérien est établie par l'expéditeur en...
- (2) Le premier exemplaire porte la mention "pour le transporteur"; il...
- (3) La signature du transporteur et celle de l'expéditeur peuvent être...
- (4) Si, à la demande de l'expéditeur, le transporteur établit la...

Article 7

Lorsqu'il y a plusieurs colis: (a) le transporteur de marchandises...

Article 8

La lettre de transport aérien et le récépissé de la...

Status: Point in time view as at 01/02/1991.

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Article 9

L'inobservation des dispositions des articles 5 à 8 n'affecte ni...

Article 10

- (1) L'expéditeur est responsable de l'exactitude des indications et déclarations concernant...
- (2) L'expéditeur assume la responsabilité de tout dommage subi par le...
- (3) Sous réserve des dispositions des alinéas (1) et (2) du...

Article 11

- (1) La lettre de transport aérien et le récépissé de la...
- (2) Les énonciations de la lettre de transport aérien et du...

Article 12

- (1) L'expéditeur a le droit, sous la condition d'exécuter toutes les...
- (2) Dans le cas où l'exécution des ordres de l'expéditeur est...
- (3) Si le transporteur se conforme aux ordres de disposition del'expéditeur,...
- (4) Le droit de l'expéditeur cesse au moment où celui du...

Article 13

- (1) Sauf lorsque l'expéditeur a exercé le droit qui'il tient de...
- (2) Sauf stipulation contraire, le transporteur doit aviser le destinataire dès...
- (3) Si la perte de la marchandise est reconnue par le...

Article 14

L'expéditeur et le destinataire peuvent faire valoir tous les droits...

Article 15

- (1) Les articles 12, 13 et 14 ne portent aucun préjudice...
- (2) Toute clause dérogeant aux stipulations des articles 12, 13 et...

Article 16

- (1) L'expéditeur est tenu de fournir les renseignements et les documents...
- (2) Le transporteur n'est pas tenu d'examiner si ces renseignements et...

CHAPITRE III

RESPONSABILITÉ DU TRANSPORTEUR

Article 17

- (1) Le transporteur est responsable du préjudice survenu en cas...
- (2) Le transporteur est responsable du dommage survenu en cas...
- (3) Sous réserve de dispositions contraires, dans cette Convention le...

Article 18

- (1) Le transporteur est responsable du dommage survenu en cas...
- (2) Toutefois, le transporteur n'est pas responsable s'il établit que...

Status: Point in time view as at 01/02/1991.

Changes to legislation: Carriage by Air Act 1961 is up to date with all changes known to be in force on or before 31 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) Le transport aérien, au sens de l'alinéa (1) du...
- (4) La période du transport aérien ne couvre aucun transport...

Article 19

Article 20

Article 21

- (1) Dans le cas où il fait la preuve que...
- (2) Dans le transport de marchandises, le transporteur est exonéré,...

Article 22

- (1) (a) Dans le transport de personnes, la responsabilité du...
- (2) (a) Les tribunaux des Hautes Parties Contractantes qui n'ont...
- (3) Les sommes indiquées en Droits de Tirage spéciaux dans...

Article 22A

- (1) (a) Dans le transport de marchandises, la responsabilité du...

Article 23

- (1) Toute clause tendant à exonérer le transporteur de sa...
- (2) L'alinéa 1er du présent article ne s'applique pas aux...

Article 24

Article 25A

- (1) Si une action est intentée contre un préposé du...
- (2) Le montant total de la réparation qui, dans ce...

Article 26

- (1) La réception des bagages et marchandises sans protestation par...
- (2) En cas d'avarie, le destinataire doit adresser au transporteur...
- (3) Toute protestation doit être faite par réserve inscrite sur...
- (4) A défaut de protestation dans les délais prévus, toutes...

Article 27

Article 28

- (1) L'action en responsabilité devra être portée, au choix du...
- (2) En ce qui concerne le dommage résultant de la...
- (3) La procédure sera réglée par la loi du tribunal...

Article 29

- (1) L'action en responsabilité doit être intentée, sous peine de...
- (2) Le mode de calcul du délai est déterminé par...

Article 30

- (1) Dans les cas de transport régis par la définition...

Status: Point in time view as at 01/02/1991.

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- (2) Au cas d'un tel transport, le voyageur ou ses...
- (3) S'il s'agit de bagages ou de marchandises, l'expéditeur aura...

Article 30A

CHAPITRE IV

DISPOSITIONS RELATIVES AUX TRANSPORTS COMBINÉS

Article 31

- (1) Dans le cas de transports combinés effectués en partie...
- (2) Rien dans la présente Convention n'empêche les parties, dans...

CHAPITRE V

DISPOSITIONS GÉNÉRALES ET FINALS

Article 32

Article 33

Article 34

Article 35

Article 35A

Rien dans la présente Convention ne prohibe l'institution par un...

Article 40A

- (1)
- (2) Aux fins de la Convention, le mot territoire signifie...

PROTOCOLE ADDITIONNEL

Ad Article 2

SCHEDULE 1A — THE WARSAW CONVENTION WITH THE AMENDMENTS
MADE IN IT BY THE HAGUE PROTOCOL AND
PROTOCOL NO. 4 OF MONTREAL, 1975
PART 1 — THE ENGLISH TEXT

CHAPTER I

SCOPE—DEFINITIONS

ARTICLE 1

- (1) This Convention applies to all international carriage of persons,...

Status: Point in time view as at 01/02/1991.

Changes to legislation: Carriage by Air Act 1961 is up to date with all changes known to be in force on or before 31 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

ARTICLE 2

(1) This Convention applies to carriage performed by the State...

CHAPTER II

DOCUMENTS OF CARRIAGE

SECTION 1

—PASSENGER TICKET

ARTICLE 3

(1) In respect of the carriage of passengers a ticket...

SECTION 2

—BAGGAGE CHECK

ARTICLE 4

(1) In respect of the carriage of registered baggage, a...

SECTION 3

—DOCUMENTATION RELATING TO CARGO

ARTICLE 5

(1) In respect of the carriage of cargo an air...

ARTICLE 6

(1) The air waybill shall be made out by the...

ARTICLE 7

Where there is more than one package:

ARTICLE 8

The air waybill and receipt for the cargo shall contain:...

Status: Point in time view as at 01/02/1991.

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ARTICLE 9

Non-compliance with the provisions of Articles 5 to 8 shall...

ARTICLE 10

(1) The consignor is responsible for the correctness of the...

ARTICLE 11

(1) The air waybill or the receipt for the cargo...

ARTICLE 12

(1) Subject to his liability to carry out all his...

ARTICLE 13

(1) Except when the consignor has exercised his right under...

ARTICLE 14

The consignor and the consignee can respectively enforce all the...

ARTICLE 15

(1) Articles 12, 13 and 14 do not affect the...

ARTICLE 16

(1) The consignor must furnish such information and such documents...

CHAPTER III

LIABILITY OF THE CARRIER

ARTICLE 17

The carrier is liable for damage sustained in the event...

ARTICLE 18

(1) The carrier is liable for damage sustained in the...

Status: Point in time view as at 01/02/1991.

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ARTICLE 19

The carrier is liable for damage occasioned by delay in...

ARTICLE 20

In the case of passengers and baggage, and in the...

ARTICLE 21

(1) In the carriage of passengers and baggage, if the...

ARTICLE 22

(1) In the carriage of persons the liability of the...

ARTICLE 23

(1) Any provision tending to relieve the carrier of liability...

ARTICLE 24

(1) In the carriage of passengers and baggage, any action...

ARTICLE 25

In the carriage of passengers and baggage, the limits of...

ARTICLE 25A

(1) If an action is brought against a servant or...

ARTICLE 26

(1) Receipt by the person entitled to delivery of baggage...

ARTICLE 27

In the case of the death of the person liable,...

Status: Point in time view as at 01/02/1991.

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ARTICLE 28

(1) An action for damages must be brought, at the...

ARTICLE 29

(1) The right to damages shall be extinguished if an...

ARTICLE 30

(1) In the case of carriage to be performed by...

ARTICLE 30A

Nothing in this Convention shall prejudice the question whether a...

CHAPTER IV

PROVISIONS RELATING TO COMBINED CARRIAGE

ARTICLE 31

(1) In the case of combined carriage performed partly by...

CHAPTER V

GENERAL AND FINAL PROVISIONS

ARTICLE 32

Any clause contained in the contract and all special agreements...

ARTICLE 33

Except as provided in paragraph (3) of Article 5, nothing...

ARTICLE 34

The provisions of Articles 3 to 8 inclusive relating to...

ARTICLE 35

The expression "days" when used in this Convention means current...

Status: Point in time view as at 01/02/1991.

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ARTICLE 36

The Convention is drawn up in French in a single...

ARTICLE 40A

(1) [This paragraph is not reproduced. It defines “High...
[Articles 37, 38, 39, 40 and 41 and the...

— ADDITIONAL PROTOCOL

The High Contracting Parties reserve to themselves the right to...

PART II — THE FRENCH TEXT

CHAPITRE 1ER

OBJET-DEFINITIONS

Article 1^{er}

Article 2

CHAPITRE II

TITRE DE TRANSPORT

SECTION I—

BILLET DE PASSAGE

Article 3

SECTION 2—

BULLETIN DE BAGAGES

Article 4

SECTION III.—

DOCUMENTATION RELATIVE AUX MARCHANDISES

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

Article 14

Article 15

Article 16

Status: Point in time view as at 01/02/1991.

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CHAPITRE III

RESPONSABILITE DU TRANSPORTEUR

Article 17
Article 18
Article 19
Article 20
Article 21
Article 22
Article 23
Article 24
Article 25
Article 25A
Article 26
Article 27
Article 28
Article 29
Article 30
Article 30A

CHAPITRE IV

DISPOSITIONS RELATIVES AUX TRANSPORTS COMINÉS

Article 31

CHAPITRE V

DISPOSITIONS GÉNÉRALES ET FINALES

Article 32
Article 33
Article 34
Article 35
Article 36
Article 40A

CHAPITRE 1ER

OBJET—DEFINITIONS

ARTICLE 1ER

La présente Convention s'applique à tout transport international de personnes,...

ARTICLE 2

La Convention s'applique aux transports effectués par l'Etat ou les...

Status: Point in time view as at 01/02/1991.

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CHAPITRE II

TITRE DE TRANSPORT

SECTION I

—BILLET DE PASSAGE

ARTICLE 3

Dans le transport de passagers, un billet de passage doit...

SECTION II

—BULLETIN DE BAGAGES

ARTICLE 4

Dans le transport de bagages enregistrés, un bulletin de bagages...

SECTION III.

—DOCUMENTATION RELATIVE AUX MARCHANDISES

ARTICLE 5

- 1 Pour le transport de marchandises une lettre de transport aérien...
- 2 L'emploi de tout autre moyen constatant les indications relatives au...
- 3 L'impossibilité d'utiliser, aux points de transit et de destination, les...

ARTICLE 6

- 1 La lettre de transport aérien est établie par l'expéditeur en...
- 2 Le premier exemplaire porte la mention "pour le transporteur"; il...
- 3 La signature du transporteur et celle de l'expéditeur peuvent être...
- 4 Si, à la demande de l'expéditeur, le transporteur établit la...

ARTICLE 7

Lorsqu'il y a plusieurs colis: le transporteur de marchandises a...

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ARTICLE 8

La lettre de transport aérien et le récépissé de la...

ARTICLE 9

L'inobservation des dispositions des articles 5 à 8 n'affecte ni...

ARTICLE 10

- 1 L'expéditeur est responsable de l'exactitude des indications et déclarations concernant...
- 2 L'expéditeur assume la responsabilité de tout dommage subi par le...
- 3 Sous réserve des dispositions des alinéas 1 et 2 du...

ARTICLE 11

- 1 La lettre de transport aérien et le récépissé de la...
- 2 Les énonciations de la lettre de transport aérien et du...

ARTICLE 12

- 1 L'expéditeur a le droit, sous la condition d'exécuter toutes les...
- 2 Dans le cas où l'exécution des ordres de l'expéditeur est...
- 3 Si le transporteur se conforme aux ordres de disposition de...
- 4 Le droit de l'expéditeur cesse au moment où celui du...

ARTICLE 13

- 1 Sauf lorsque l'expéditeur a exercé le droit qu'il tient de...
- 2 Sauf stipulation contraire, le transporteur doit aviser le destinataire dès...
- 3 Si la perte de la marchandise est reconnue par le...

ARTICLE 14

L'expéditeur et le destinataire peuvent faire valoir tous les droits...

ARTICLE 15

- 1 Les articles 12, 13 et 14 ne portent aucun préjudice...
- 2 Toute clause dérogeant aux stipulations des articles 12, 13 et...

Status: Point in time view as at 01/02/1991.

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ARTICLE 16

- 1 L'expéditeur est tenu de fournir les renseignements et les documents...
- 2 Le transporteur n'est pas tenu d'examiner si ces renseignements et...

CHAPITRE III

RESPONSABILITE DU TRANSPORTEUR

ARTICLE 17

Le transporteur est responsable du dommage survenu en cas de...

ARTICLE 18

- 1 Le transporteur est responsable du dommage survenu en cas de...
- 2 Le transporteur est responsable du dommage survenu en cas de...
- 3 Toutefois, le transporteur n'est pas responsable s'il établit que la...
- 4 Le transport aérien, au sens des alinéas précédents, comprend la...
- 5 La période du transport aérien ne couvre aucun transport terrestre,...

ARTICLE 19

Le transporteur est responsable du dommage résultant d'un retard dans...

ARTICLE 20

Dans le transport de passagers et de bagages et un...

ARTICLE 21

- 1 Dans le transport de passagers et de bagages, dans le...
- 2 Dans le transport de marchandises, le transporteur est exonéré, en...

ARTICLE 22

Dans le transport des personnes, la responsabilité du transporteur relative...

ARTICLE 23

Toute clause tendant à exonérer le transporteur de sa responsabilité...

Status: Point in time view as at 01/02/1991.

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ARTICLE 24

- 1 Dans le transport de passagers et de bagages, toute action...
- 2 Dans le transport de marchandises, toute action en réparation introduite,...

ARTICLE 25

Dans le transport de passagers et de bagages, les limites...

ARTICLE 25A

Si une action est intentée contre un préposé du transporteur...

ARTICLE 26

La réception des bagages et marchandises sans protestation par le...

ARTICLE 27

En cas de décès du débiteur, l'action en responsabilité, dans...

ARTICLE 28

L'action en responsabilité devra être portée, au choix du demandeur,...

ARTICLE 29

L'action en responsabilité doit être intentée, sous peine de déchéance,...

ARTICLE 30

Dans les cas de transport régis par la définition du...

ARTICLE 30A

La présente Convention ne préjuge en aucune manière la question...

CHAPITRE IV

DISPOSITIONS RELATIVES AUX TRANSPORTS COMBINÉS

Status: Point in time view as at 01/02/1991.

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ARTICLE 31

Dans le cas de transports combinés effectués en partie par...

CHAPITRE V

DISPOSITONS GÉNÉRALES ET FINALES

ARTICLE 32

Sont nulles toutes clauses du contrat de transport et toutes...

ARTICLE 33

Sous réserve des dispositions de l'alinéa 3 de l'article 5,...

ARTICLE 34

Les dispositions des articles 3 à 8 inclus relatives aux...

ARTICLE 35

Lorsque dans la présente Convention il est question de jours,...

ARTICLE 36

La présente Convention est rédigée en français en un seul...

ARTICLE 40A

..... Aux fins de la Convention, le motterritoire signifie non...

— **PROTOCOL ADDITIONNEL (AdARTICLE 2)**

Les Hautes Parties Contractantes se réservent le droit de déclarer...

SCHEDULE 1B — CONVENTIONFOR THE UNIFICATION OF CERTAIN RULES FOR INTERNATIONAL CARRIAGE BY AIR

Chapter I — GENERAL PROVISIONS

- 1 Article 1—Scope of Application
- 2 For the purposes of this Convention, the expression international carriage...
- 3 Carriage to be performed by several successive carriers is deemed,...
- 4 This Convention applies also to carriage as set out in...
 - 1 Article 2—Carriage Performed by State and Carriage of Postal Items
 - 2 In the carriage of postal items, the carrier shall be...

Status: Point in time view as at 01/02/1991.

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3 Except as provided in paragraph 2 of this Article, the...

X

X

CHAPTER III

LIABILITY OF THE CARRIER AND EXTENT OF COMPENSATION FOR DAMAGE

1 Article 17—Death and Injury of Passengers—Damage to Baggage

2 The carrier is liable for damage sustained in case of...

3 If the carrier admits the loss of the checked baggage,...

4 Unless otherwise specified, in this Convention the term “baggage” means...

1 Article 18—Damage to Cargo

2 However, the carrier is not liable if and to the...

3 The carriage by air within the meaning of paragraph 1...

4 The period of the carriage by air does not extend...

Article 19—Delay

Article 20—Exoneration

1 Article 21—Compensation in Case of Death or Injury of Passengers

2 The carrier shall not be liable for damages arising under...

1 Article 22—Limits of Liability in Relation to Delay, Baggage and Cargo

2 In the carriage of baggage, the liability of the carrier...

3 In the carriage of cargo, the liability of the carrier...

4 In the case of destruction, loss, damage or delay of...

5 The foregoing provisions of paragraphs 1 and 2 of this...

6 The limits prescribed in Article 21 and in this Article...

1 Article 23—Conversion of Monetary Units

2 Nevertheless, those States which are not Members of the International...

3 The calculation mentioned in the last sentence of paragraph 1...

1 Article 24—Review of Limits

2 If the review referred to in the preceding paragraph concludes...

3 Notwithstanding paragraph 1 of this Article, the procedure referred to...

Article 25—Stipulation on Limits

Article 26—Invalidity of Contractual Provisions

Article 27—Freedom to Contract

Article 28—Advance Payments

Article 29—Basis of Claims

1 Article 30—Servants, Agents—Aggregation of Claims

2 The aggregate of the amounts recoverable from the carrier, its...

3 Save in respect of the carriage of cargo, the provisions...

1 Article 31—Timely Notice of Complaints

2 In the case of damage, the person entitled to delivery...

3 Every complaint must be made in writing and given or...

4 If no complaint is made within the times aforesaid, no...

Article 32—Death of Person Liable

1 Article 33—Jurisdiction

2 In respect of damage resulting from the death or injury...

3 For the purposes of paragraph 2, (a) “commercial agreement” means...

Status: Point in time view as at 01/02/1991.

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- 4 Questions of procedure shall be governed by the law of...
- 1 Article 34—Arbitration
- 2 The arbitration proceedings shall, at the option of the claimant,...
- 3 The arbitrator or arbitration tribunal shall apply the provisions of...
- 4 The provisions of paragraphs 2 and 3 of this Article...
- 1 Article 35—Limitation of Actions
- 2 The method of calculating that period shall be determined by...
- 1 Article 36—Successive Carriage
- 2 In the case of carriage of this nature, the passenger...
- 3 As regards baggage or cargo, the passenger or consignor will...
- Article 37—Right of Recourse against Third Parties

CHAPTER IV

COMBINED CARRIAGE

- 1 Article 38—Combined Carriage
- 2 Nothing in this Convention shall prevent the parties in the...

CHAPTER V

CARRIAGE BY AIR PERFORMED BY A PERSON OTHER THAN THE CONTRACTING CARRIER

- Article 39—Contracting Carrier—Actual Carrier
- Article 40—Respective Liability of Contracting and Actual Carriers
- 1 Article 41—Mutual Liability
- 2 The acts and omissions of the contracting carrier and of...
- Article 42—Addressee of Complaints and Instructions
- Article 43—Servants and Agents
- Article 44—Aggregation of Damages
- Article 45—Addressee of Claims
- Article 46—Additional Jurisdiction
- Article 47—Invalidity of Contractual Provisions
- Article 48—Mutual Relations of Contracting and Actual Carriers

CHAPTER VI

OTHER PROVISIONS

- Article 49—Mandatory Application
- Article 50—Insurance
- Article 51—Carriage Performed in Extraordinary Circumstances
- Article 52—Definition of Days

CHAPTER VII

FINAL CLAUSES

- 2 Article 53—Signature, Ratification and Entry into Force
- Article 55—Relationship with other Warsaw Convention Instruments
- 1 between States Parties to this Convention by virtue of those...
- 2 within the territory of any single State Party to this...
- Article 57—Reservations

Status: Point in time view as at 01/02/1991.

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Chapter II — DOCUMENTATION AND DUTIES OF THE PARTIES RELATING TO THE CARRIAGE OF PASSENGERS, BAGGAGE AND CARGO

- 1 Article 3—Passengers and Baggage
- 2 Any other means which preserves the information indicated in paragraph...
- 3 The carrier shall deliver to the passenger a baggage identification...
- 4 The passenger shall be given written notice to the effect...
- 5 Non-compliance with the provisions of the foregoing paragraphs shall not...
- 1 Article 4—Cargo
- 2 Any other means which preserves a record of the carriage...
- Article 5—Contents of Air Waybill or Cargo Receipt
- Article 6—Document Relating to the Nature of the Cargo
- 1 Article 7—Description of Air Waybill
- 2 The first part shall be marked “for the carrier”; it...
- 3 The signature of the carrier and that of the consignor...
- 4 If, at the request of the consignor, the carrier makes...
- Article 8—Documentation for Multiple Packages
- Article 9—Non-compliance with Documentary Requirements
- 1 Article 10—Responsibility for Particulars of Documentation
- 2 The consignor shall indemnify the carrier against all damage suffered...
- 3 Subject to the provisions of paragraphs 1 and 2 of...
- 1 Article 11—Evidentiary Value of Documentation
- 2 Any statements in the air waybill or the cargo receipt...
- 1 Article 12—Right of Disposition of Cargo
- 2 If it is impossible to carry out the instructions of...
- 3 If the carrier carries out the instructions of the consignor...
- 4 The right conferred on the consignor ceases at the moment...
- 1 Article 13—Delivery of the Cargo
- 2 Unless it is otherwise agreed, it is the duty of...
- 3 If the carrier admits the loss of the cargo, or...
- Article 14—Enforcement of the Rights of Consignor and Consignee
- 1 Articles 15—Relations of Consignor and Consignee or Mutual Relations of Third Parties
- 2 The provisions of Articles 12, 13 and 14 can only...
- 1 Article 16—Formalities of Customs, Police or Other Public Authorities
- 2 The carrier is under no obligation to enquire into the...

Chapter III
Chapter IV
Chapter V
Chapter VI
Chapter VII

SECOND —
SCHEDULE

Status:

Point in time view as at 01/02/1991.

Changes to legislation:

Carriage by Air Act 1961 is up to date with all changes known to be in force on or before 31 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.