
Changes to legislation: There are currently no known outstanding effects for the
Carriage by Air Act 1961, Cross Heading: Article 22. (See end of Document for details)

SCHEDULES

[^{X1}FIRST SCHEDULE

THE WARSAW CONVENTION WITH THE AMENDMENTS MADE IN IT BY THE HAGUE PROTOCOL

Editorial Information

- X1** [Schedule 1](#), containing the provisions of the Warsaw Convention as amended at the Hague in 1955 and by Protocols No. 3 and No. 4 signed at Montreal in 1975, substituted (*prosp.*) with saving for Schedule 1 as originally enacted, containing the provisions of the Warsaw Convention with the amendments made in it by the Hague Protocol, by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 1(1)(3), 6(2), 7(2)**

PART I

THE ENGLISH TEXT

CONVENTION

FOR THE UNIFICATION OF CERTAIN RULES RELATING TO INTERNATIONAL CARRIAGE BY AIR

CHAPTER III

LIABILITY OF THE CARRIER

Article 22

- (1) In the carriage of persons the liability of the carrier for each passenger is limited to the sum of [^{F1}16,600 special drawing rights]. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodical payments the equivalent capital value of the said payments shall not exceed [^{F2}this limit]. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

Textual Amendments

- F1** Words substituted (1.12.1997) by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 4(1)(a)(i)(ii), 6(2); S.I. 1997/2565, art. 2, Sch.**
- F2** Words substituted (1.12.1997) by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 4(1)(a)(i)(ii), 6(2); S.I. 1997/2565, art. 2, Sch.**

Changes to legislation: There are currently no known outstanding effects for the Carriage by Air Act 1961, Cross Heading: Article 22. (See end of Document for details)

Modifications etc. (not altering text)

C1 Art. 22 of Pt. I (as originally enacted) amended (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 5, 6(2), 7(2)**

- (2) (a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of [^{F3}17 special drawing rights] per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignor's actual interest in delivery at destination.
- (b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

Textual Amendments

F3 Words substituted (1.12.1997) by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **s. 4(1)(a)(i)(ii)**, 6(2); S.I. 1997/2565, **art. 2, Sch.**

- (3) As regards objects of which the passenger takes charge himself the liability of the carrier is limited to [^{F4}332 special drawing rights] per passenger.

Textual Amendments

F4 Words substituted (1.12.1997) by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 4(1)(a)(i)(ii)**, 6(2); S.I. 1997/2565, **art. 2, Sch.**

- (4) The limits prescribed in this Article shall not prevent the court from awarding, in accordance with its own law, in addition , the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.
- (^{F5}5) The sums mentioned in terms of the special drawing right in this Article shall be deemed to refer to the special drawing right as defined by the International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the special drawing right at the date of the judgment.]]

Changes to legislation: There are currently no known outstanding effects for the
Carriage by Air Act 1961, Cross Heading: Article 22. (See end of Document for details)

.....

Textual Amendments

- F5** para. (5) of Art. 22 Pt. I (second version) substituted (1.12.1997) for para.(5) as originally enacted by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), **ss. 4(1)(a)(iii)**; S.I. 1997/2565,art. 2, Sch.

Changes to legislation:

There are currently no known outstanding effects for the Carriage by Air Act 1961, Cross
Heading: Article 22.