



Carriage by Air Act 1961

1961 CHAPTER 27 9 and 10 Eliz 2

11 Application to Scotland.

In the application of this Act to Scotland—

- (a) there shall be substituted—
 - (i) ^{F1}
 - (ii) for any reference to a tortfeasor, a reference to a person who has been or might be held liable for loss or damage arising from any such act or omission;
 - (iii)
 - (iv) for any reference to the issuing of execution, a reference to the execution of diligence;
 - (v) for any reference to an arbitrator, a reference to an arbiter; and
 - (vi) for any reference to a plaintiff, a reference to a pursuer;
- (b) for section three there shall be substituted the following section—

“3 Fatal accidents.

The reference in ^{F2}—

- (a) Article 17 of the Convention,
- (b) Article 17 of the Convention as amended, and
- (c) Article 17.1 of the Montreal Convention,]

to the liability of a carrier for damage sustained in the event of the death of a passenger shall be construed as including liability to such persons as are entitled, apart from this Act, to sue the carrier (whether for patrimonial damage or solatium or both) in respect of the death.”;

- (c) in section five, subsection (1) shall have effect notwithstanding anything in ^{F3}section 17 of the ^{M1}Prescription and Limitation (Scotland) Act 1973]; and in subsection (3), for the words from “and ^{F4}the provisions of section 14 of the Arbitration Act 1996]” to the end of the subsection there shall be substituted the words “and for the purpose of this subsection ^{F5}arbitral proceedings] shall be deemed to be commenced when one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbiter or

Changes to legislation: There are currently no known outstanding effects for the Carriage by Air Act 1961, Section 11. (See end of Document for details)

to agree to the appointment of an arbiter, or, where the arbitration agreement provides that the reference 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."

Textual Amendments

- F1** s. 11 (a)(i)(iii) repealed by [Limitation Act 1963 \(c. 47\)](#), **s. 10(5)**
- F2** Words in s. 11(b) substituted (coming into force in accordance with art. 1(2)) by [S.I. 2002/263](#), **art. 2(23)** (with [art. 1\(3\)](#))
- F3** Words substituted by [Prescription and Limitation \(Scotland\) Act 1973 \(c. 52\)](#), **Sch. 4 Pt. II**
- F4** Words in s. 11(c) substituted (31.1.1997) by [1996 c. 23](#), s. 107(1), **Sch. 3 para. 13(3)(a)**; [S.I. 1996/3146](#), **art. 3**
- F5** Words in s. 11(c) substituted (31.1.1997) by [1996 c. 23](#), s. 107(1), **Sch. 3 para. 13(3)(b)**; [S.I. 1996/3146](#), **art. 3**

Modifications etc. (not altering text)

- C1** S. 11 applied (with modifications) (6.8.2004) by [The Carriage by Air Acts \(Application of Provisions\) Order 2004 \(S.I. 2004/1899\)](#), arts. 1(2), 7(1), **Sch. 1** (with arts. 1(3), 3)
- C2** S. 11 applied (with modifications) (6.8.2004) by [The Carriage by Air Acts \(Application of Provisions\) Order 2004 \(S.I. 2004/1899\)](#), arts. 1(2), 7(2), Sch. 2, **Sch. 3** (with arts. 1(3), 3)

Marginal Citations

- M1** [1973 c. 52](#).

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