



# Carriage by Air Act 1961

1961 CHAPTER 27 9 and 10 Eliz 2

## 5 Time for bringing proceedings.

- (1) No action against a carrier's servant or agent which arises out of damage to which the Convention relates shall, if he was acting within the scope of his employment, be brought after more than two years, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.
- (2) Article 29 in the First Schedule of this Act shall not be read as applying to any proceedings for contribution between [<sup>F1</sup>tortfeasors], [<sup>F1</sup>persons liable for any damage to which the Convention relates][<sup>F2</sup>but no action shall be brought by a tortfeasor to obtain a contribution from a carrier in respect of a tort to which the said Article 29 applies after the expiration of two years from the time when judgment is obtained against the person seeking to obtain the contribution.]
- (3) The foregoing provisions of this section and the provisions of the said Article 29 shall have effect as if references in those provisions to an action included references to [<sup>F3</sup>arbitral proceedings]; [<sup>F4</sup>and the provisions of section 14 of the Arbitration Act 1996 apply to determine when such proceedings are commenced.].

### Textual Amendments

- F1** Words substituted (E. W. N. I. ) by [Civil Liability \(Contribution\) Act 1978 \(c. 47, SIF 122:3\)](#), s. 9, [Sch. 1 para. 5\(2\)](#) (subject to savings in s. 5 in relation to Her Majesty and the Duchy of Cornwall and in s. 7 in relation to debts due or damage occurring before the commencement of the Act)
- F2** Words repealed (E.W.)(S.) with saving by [Limitation Act 1963 \(c. 47\)](#), [ss. 4\(4\)\(5\)](#), 10(5) and repealed and superseded (N.I.) by [Limitation Act \(Northern Ireland\) 1946 \(c. 1\)](#), s. 4(4)(b)
- F3** Words in s. 5(3) substituted (31.1.1997) by [1996 c. 23](#), s. 107(1), [Sch. 3 para. 13\(2\)\(a\)](#); S.I. 1996/3146, [art. 3](#)
- F4** Words in s. 5(3) substituted (31.1.1997) by [1996 c. 23](#), s. 107(1), [Sch. 3 para. 13\(2\)\(b\)](#); S.I. 1996/3146, [art. 3](#)

### Modifications etc. (not altering text)

- C1** [S. 5](#) amended by Carriage by [Air \(Supplementary Provisions\) Act 1962 \(c. 43, SIF 9\)](#), s. 3(2)

**Status:**

Point in time view as at 31/01/1997. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Carriage by Air Act 1961, Section 5.