
EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Carriage by Air Act 1961 to give the Montreal Convention 1999 the force of law in the United Kingdom for the international carriage by air to which it relates (article 2). It makes consequential amendment to the Carriage by Air (Supplementary Provisions) Act 1962 (article 3).

It comes into effect when both the United Kingdom has ratified the Convention and the Convention has entered into force internationally. This date is to be notified in the London, Edinburgh and Belfast Gazettes by the Secretary of State (article 1(2)).

For Community air carriers the application of section 1 of the 1961 Act is disapplied to the extent that Council Regulation 2027/97 has the force of law in the United Kingdom (article 2(2)).

The Warsaw Convention as amended at the Hague and that Convention as amended by Protocol No. 4 of Montreal, 1975 continue to have the force of law in the United Kingdom for the international carriage by air to which they relate (article 2(2)).

The principal amendments are as follows.

A number of provisions of the 1961 Act are amended so that they apply to the Montreal Convention 1999 as it has force in the United Kingdom in the same manner they apply to the other Conventions mentioned above as they have such force (article 2).

Those provisions are sections 2 (Designation of High Contracting Parties), 3 (Fatal Accidents), 4 Limitation of Actions), 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), 10 (Application to carriage by air not governed by Convention) and 11 (Application to Scotland).

Power is conferred on Her Majesty by Order in Council to certify any revision of the limits of liability established under the Montreal Convention (article 2(4)). Such revision may be accomplished under article 24 of that Convention.

The Order also substitutes the French language version of the Warsaw Convention as amended at the Hague and by Montreal Protocol No. 4 with a revised French language version which corrects a number of minor translation and typographical errors (article 2(26)).

A regulatory impact assessment has been prepared in connection with this Order. It has been placed in the libraries of each of the Houses of Parliament. Copies can be obtained from the Multilateral Division of the Aviation Directorate, Zone 1/27, Department of Transport, Local Government and the Regions, Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 5893).