



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}Article 17][^{F2}Article 17(1)] in the First Schedule to this Act 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 subsections (3) and (4)” to the end of the subsection there shall be substituted the words “and for the purpose of this subsection an arbitration 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 to agree to the appointment of an arbiter, or, where the arbitration agreement provides that the reference shall be to a

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.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 11. (See end of Document for details)

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- F1** s. 11 (a)(i)(iii) repealed by [Limitation Act 1963 \(c. 47\)](#), **s. 10(5)**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 "Article 17(1)" substituted (*prosp.*) with saving for "Article 17" by Carriage by [Air and Road Act 1979 \(c. 28, SIF 9\)](#), ss. 1(2)(3), 7(2), **Sch. 2 para. 3**
- F3** Words substituted by [Prescription and Limitation \(Scotland\) Act 1973 \(c. 52\)](#), **Sch. 4 Pt. II**
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Marginal Citations

- M1** 1973 c. 52.

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