



Carriage by Air Act 1961

1961 CHAPTER 27

11 Application to Scotland

In the application of this Act to Scotland—

- (a) there shall be substituted—
 - (i) for any reference to a tort, a reference to a wrongful act or a negligent act or omission;
 - (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) for any reference to the obtaining of judgment, a reference to the pronouncing of decree;
 - (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 Article 17 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 section six of the Law Reform (Limitation of Actions, &c.) Act, 1954; 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

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person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated. "