



Carriage by Air Act 1961

1961 CHAPTER 27 9 and 10 Eliz 2

4 Limitation of liability.

[^{F1}(1) It is hereby declared that the limitations on liability in the applicable provisions mentioned in subsection (1A) apply whatever the nature of the proceedings by which liability may be enforced.

(1A) The provisions are—

- (a) Article 22 of the Convention;
- (b) Article 22 of the Convention as amended; and
- (c) Articles 21 and 22 of the Montreal Convention.

(1B) The limitation for each passenger in—

- (a) paragraph (1) of Article 22 of the Convention or of the Convention as amended, and
- (b) Article 21 and paragraph (1) of Article 22 of the Montreal Convention,

applies to the aggregate liability of the carrier in all proceedings which may be brought against him under the law of any part of the United Kingdom, together with any proceedings brought against him outside the United Kingdom.]

(2) A court before which proceedings are brought to enforce a liability which is limited by [^{F2}a provision mentioned in subsection (3A)] [^{F3}or Article 22A] may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of [^{F4}that provision], and of any other proceedings which have been, or are likely to be, commenced in the United Kingdom or elsewhere to enforce the liability in whole or in part.

(3) Without prejudice to the last foregoing subsection, a court before which proceedings are brought to enforce a liability which is limited by [^{F5}a provision mentioned in subsection (3A)] [^{F3}or Article 22A] shall, where the liability is, or may be, partly enforceable in other proceedings in the United Kingdom or elsewhere, have jurisdiction to award an amount less than the court would have awarded if the limitation applied solely to the proceedings before the court, or to make any part of its award conditional on the result of any other proceedings.

[^{F6}(3A) The provisions are—

Changes to legislation: Carriage by Air Act 1961, Section 4 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (a) Article 22 of the Convention;
- (b) Article 22 of the Convention as amended; and
- (c) Articles 21, 22 and 44 of the Montreal Convention.]

[^{F7}(4) The Minister of Aviation may from time to time by order made by statutory instrument specify the respective amounts which for the purposes of the said Article 22, and in particular of paragraph (5) of that Article, are to be taken as equivalent to the sums expressed in francs which are mentioned in that Article.]

(5) References in this section to the said Article 22 [^{F8}of the Convention or of the Convention as amended][^{F9}and Article 22A]include, subject to any necessary modifications, references to that Article as applied by Article 25A [^{F10}of the Convention].

Textual Amendments

- F1** S. 4(1) substituted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(7)** (with art. 1(3))
- F2** Words in s. 4(2) substituted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(8)(a)** (with art. 1(3))
- F3** Words inserted (*prosp.*) with saving by Carriage by Air and Road Act 1979 (c.28, SIF 9), s. 1(2)(3), 7(2), **Sch. 2 para. 4(a)**
- F4** Words in s. 4(2) substituted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(8)(b)** (with art. 1(3))
- F5** Words in s. 4(3) substituted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(9)** (with art. 1(3))
- F6** S. 4(3A) inserted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(10)** (with art. 1(3))
- F7** S. 4(4) repealed (*prosp.*) with saving by Carriage by Air and Road Act 1979 (c. 28, SIF 9), s. 1(2)(3), 6(4)(a), 7(2), Sch. 2 para. 4(c)
- F8** Words in s. 4(5) inserted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(11)(a)**
- F9** Words inserted (*prosp.*) with saving by Carriage by Air and Road Act 1979 (c. 28, SIF 9), s. 1(2)(3), 7(2), **Sch. 2 para. 4(a)**
- F10** Words in s. 4(5) inserted (coming into force in accordance with art. 1(2)) by S.I. 2002/263, **art. 2(11)(b)**

Modifications etc. (not altering text)

- C1** S. 4 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)
- C2** S. 4 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)
- C3** S. 4(2)(3) amended by Carriage by Air (Supplementary Provisions) Act (c. 43), s. 3(1)
- C4** Functions of Minister of Aviation under this Act now exercisable by Secretary of State concurrently with Board of Trade: S.I. 1966/741 and 1970/1537

Changes to legislation:

Carriage by Air Act 1961, Section 4 is up to date with all changes known to be in force on or before 25 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- s. 4(1)(5) words inserted by [1979 c. 28 Sch. 2 para. 4\(a\)](#)
- s. 4(1)(b) words substituted by [1979 c. 28 Sch. 2 para. 4\(b\)](#)
- s. 4(2)(3) words inserted by [1979 c. 28 Sch. 2 para. 4\(a\)](#)
- s. 4(4) omitted by [1979 c. 28 Sch. 2 para. 4\(c\)](#)