

1981 No. 440

CIVIL AVIATION

**The Carriage by Air Acts (Application of Provisions)
(Third Amendment) Order 1981***Laid before Parliament in draft*

Made - - - - 18th March 1981

Coming into Operation 1st April 1981

At the Court at Buckingham Palace, the 18th day of March 1981

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament, in accordance with section 10(5) of the Carriage by Air Act 1961(a):

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 10 of the Carriage by Air Act 1961 and of that section as applied by section 5(2) of the Carriage by Air (Supplementary Provisions) Act 1962(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows—

Citation and Operation

1. This Order may be cited as the Carriage by Air Acts (Application of Provisions) (Third Amendment) Order 1981 and shall come into operation on 1st April 1981.

Amendment of principal Order

2. The Carriage by Air Acts (Application of Provisions) Order 1967(c) shall be amended as follows—

(1) In Part I of Schedule 1 to the Order, for paragraph (6)(a) there shall be substituted the following—

“(6)(a) In Article 22(1) for “two hundred and fifty thousand francs”, wherever it appears, there shall be substituted “100,000 special drawing rights”;

(2) In Part III of Schedule 1 to the Order, for paragraph (1) of Article 22 there shall be substituted the following—

“(1) In the carriage of persons the liability of the carrier for each passenger is limited to the sum of 100,000 special drawing rights. Where, in accordance with the law of the Court seized of the case,

(a) 1961 c. 27.

(b) 1962 c. 43.

(c) S.I. 1967/480; the relevant amending instrument is S.I. 1979/931.

damages may be awarded in the form of periodical payments the equivalent capital value of the said payments shall not exceed 100,000 special drawing rights. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Carriage by Air Acts (Application of Provisions) Order 1967, as amended (which applies the provisions of the Carriage by Air Act 1961 and the Carriage by Air (Supplementary Provisions) Act 1962, with modifications set out in the Order, to carriage to which those Acts would otherwise not apply). It increases the limits of the air carrier's liability in respect of injury or death caused to passengers in non-international carriage from 58,000 special drawing rights to 100,000 special drawing rights.

SI 1981/440
ISBN 0-11-016440-7

