
EXPLANATORY NOTE

(This note is not part of the Regulations)

This Order implements Council Regulation (EC) No. 2027/97 of 9th October 1997 on air carrier liability in the event of accidents.

The principal provisions are as follows—

(1) The limits on carrier liability imposed by the Warsaw Convention (the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12th October 1929), the Warsaw Convention as amended at The Hague on 28th September 1955 and the Convention supplementary to the Warsaw Convention done at Guadalajara on 18th September 1961 in the event of passenger death, wounding or bodily injury are removed in relation to Community air carriers from the Carriage by Air Act 1961 and the Carriage by Air Acts (Application of Provisions) Order 1967 (articles 3 and 4 respectively).

(2) The minimum liability limit required by regulation 11(1)(b) of the Licensing of Air Carriers Regulations 1992 is deleted (article 5).

(3) Community air carriers are no longer entitled to rely on the defence in Article 20(1) of the Warsaw Convention (or that Convention as amended) (taking all necessary measures to avoid the damage or that it was impossible to take such measures) in relation to damages for passenger death, wounding or bodily injury of up to 100,000 Special Drawing Rights (articles 3 and 4).

(4) Criminal offences are created for the breach of certain requirements set out in Article 6 of the Council Regulation (article 6).