
STATUTORY INSTRUMENTS

1999 No. 1312

The Carriage by Air Acts (Implementation of Protocol No. 4 of Montreal, 1975) Order 1999

Amendments of the Carriage by Air Act 1961

2.—(1) The Carriage by Air Act 1961 shall be amended as follows.

(2) For section 1 there shall be substituted the following section—

“1 Convention to have the force of law

(1) Subject to this section—

(a) the provisions of the Convention known as “the Warsaw Convention as amended at The Hague, 1955” as set out in Schedule 1 to this Act (“the Convention”); and

(b) the provisions of that Convention as further amended by Protocol No. 4 of Montreal, 1975 and as set out in Schedule 1A to this Act (“the Convention as amended”),

shall, so far as they relate to the rights and liabilities of carriers, carriers' servants and agents, passengers, consignors, consignees and other persons, and subject to the provisions of this Act, have the force of law in the United Kingdom in relation to any carriage by air to which they apply, irrespective of the nationality of the aircraft performing that carriage.

(2) In relation to Community air carriers—

(a) in respect of damages up to the equivalent in euros of 100,000 Special Drawing Rights arising from the death, wounding or other bodily injury suffered by a passenger, the provisions of Article 20 of the Convention or the Convention as amended; and

(b) in respect of damages arising from the death, wounding or other bodily injury suffered by a passenger, the provisions of Articles 21 and 22(1) of that Convention,

do not have the force of law in the United Kingdom.

(3) If there is any inconsistency between the text in English in Part I of Schedule 1 or 1A to this Act and the text in French in Part II of that Schedule, the French text shall prevail.”.

(3) In section 2(1)—

(a) after the words “High Contracting Parties to the Convention” there shall be inserted the words “or the Convention as amended”; and

(b) for the words “the Convention as set out in the First Schedule” there shall be substituted the words “that Convention as set out in Schedule 1 or 1A”.

(4) In sections 2(2), 3, 4(1), 4A(2)(1), 5(2), 6, 7(2), 10(1) and 11(b) for the words “the First Schedule” there shall be substituted the words “Schedule 1 or 1A”.

(5) In sections 5(1) and (2) and 10(1) after the words “the Convention” there shall be inserted the words “or the Convention as amended”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) After Schedule 1 there shall be inserted, as Schedule 1A, the provisions set out in the Schedule to this Order.