
STATUTORY INSTRUMENTS

1999 No. 1312

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

Citation, commencement and effect

1.—(1) This Order may be cited as the Carriage by Air Acts (Implementation of Protocol No. 4 of Montreal, 1975) Order 1999 and shall come into force on the tenth day after the day on which it is made.

(2) Nothing in this Order shall affect rights and liabilities arising out of an occurrence which took place before the coming into force of this Order.

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”.

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

Amendments of the Carriage by Air (Supplementary Provisions) Act 1962

3.—(1) The Carriage by Air (Supplementary Provisions) Act 1962(2) shall be amended as follows.

(2) In section 2(1)(b) for the words “the Convention as set out in the First Schedule” there shall be substituted the words “whichever is applicable to the carriage in question of the Conventions set out in Schedules 1 and 1A”.

(3) In section 3(1) and (3) for the words “the First Schedule” there shall be substituted the words “Schedule 1 or 1A”.

(4) In section 5(2)—

(a) for the words “the First Schedule” there shall be substituted the words “Schedules 1 and 1A”; and

(b) for the words “the Convention set out in that Schedule” there shall be substituted the words “the Conventions set out in those Schedules”.

A.K. Galloway
Clerk of the Privy Council

(1) Section 4A(2) was inserted by section 2(1) of the Carriage by Air and Road Act 1979.

(2) 1962 c. 43.