

STATUTORY INSTRUMENTS

2004 No. 1418

CIVIL AVIATION

The Air Carrier Liability Regulations 2004

Made - - - - 24th May 2004
Laid before Parliament 2nd June 2004
Coming into force - - 28th June 2004

The Secretary of State for Transport, being a Minister designated ^{M1} for the purposes of section 2(2) of the European Communities Act 1972 ^{M2} in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:

Marginal Citations

M1 [S.I. 1993/2661.](#)
M2 [1972 c. 68.](#)

Citation and commencement

1. These Regulations may be cited as the Air Carrier Liability Regulations 2004 and shall come into force on 28th June 2004.

Interpretation

[^{F1}2. In these Regulations—

“the Council Regulation” means Council Regulation [\(EC\) No 2027/97](#) as amended by Regulation [\(EC\) No 889/2002](#) of the European Parliament and of the Council;

“UK air carrier” has the meaning given by Article 2 of the Council Regulation.]

F1 [Reg. 2 substituted \(31.12.2020\) by The Air Passenger Rights and Air Travel Organisers' Licensing \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/278\), regs. 1\(3\), 3\(2\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)

Enforcement of Articles 3a and 6 of the Council Regulation

3.—(1) A [^{F2}UK air carrier] that fails to make available the tariff required by Article 3a of the Council Regulation shall be guilty of an offence unless it proves that the failure to do so occurred without its consent or connivance and that it exercised all due diligence to prevent the failure.

(2) An air carrier that fails to comply with the requirements imposed on it by paragraphs 1 or 2 of Article 6 of the Council Regulation shall be guilty of an offence unless it proves that the failure to do so occurred without its consent or connivance and that it exercised all due diligence to prevent the failure.

F2 Words in reg. 3(1) substituted (31.12.2020) by [The Air Passenger Rights and Air Travel Organisers' Licensing \(Amendment\) \(EU Exit\) Regulations 2019 \(S.I. 2019/278\)](#), regs. 1(3), **3(3)**; 2020 c. 1, Sch. 5 para. 1(1)

Penalties

4.—(1) A person guilty of an offence under these Regulations shall be liable—

- (a) on summary conviction, to a fine not exceeding [^{F3}the statutory maximum], and
- (b) on conviction on indictment, to a fine.

(2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any such person who was purporting to act in such capacity, he, as well as the body corporate, shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations in Scotland and that offence is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a partner, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

F3 Words in reg. 4 substituted (23.8.2004) by [The Air Carrier Liability \(No. 2\) Regulations 2004 \(S.I. 2004/1974\)](#), regs. 1, **3**

Amendment of the Carriage by Air Act 1961

5. In section 14 of the Carriage by Air Act 1961 ^{M3} for the definition of “the Council Regulation” there shall be substituted the following definition—

““the Council Regulation” means Council Regulation (EC) No. 2027/97 as amended by Regulation (EC) No. 889/2002 of the European Parliament and of the Council as it has effect in accordance with the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993 as amended by the Decisions of the EEA Joint Committee No. 34/98 of 30th April 1998 and No. 142/2002 of 8th November 2002.”.

Marginal Citations

M3 1961 c. 27. The definition of “the Council Regulation” in section 14 of the Carriage by Air Act 1961 was inserted by [S.I. 1998/1751](#) and revised by [S.I. 2002/263](#).

Revocation

6. The Air Carrier Liability Order 1998 ^{M4} is hereby revoked.

Marginal Citations

M4 [S.I. 1998/1751](#).

Signed by authority of the Secretary of State for Transport

Tony McNulty
Parliamentary Under-Secretary of State,
Department for Transport

Changes to legislation: There are currently no known outstanding effects for the
The Air Carrier Liability Regulations 2004. (See end of Document for details)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations create sanctions for breach of Articles 3a and 6 of Council Regulation (EC) No. 2027/97 as amended by Regulation (EC) No. 889/2002. These Articles impose requirements—

- (a) on Community air carriers relating to making available a tariff of charges for providing a higher liability in the carriage of baggage, and
- (b) on all air carriers relating to—
 - (i) making available information or, in the case of Community air carriers the required notice, of applicable provisions relating to carrier liability, and
 - (ii) the provision of information to each passenger concerning carrier liability for death or injury, loss or damage to baggage and for delay. (Articles 3 and 4).

It amends the Carriage by Air Act 1961 by updating the definition given in section 14 to the Council Regulation (meaning Council Regulation 2027/97) to include the amendment to that Regulation done by Regulation (EC) No. 889/2002 of the European Parliament and of the Council. (Article 5)

It revokes the Air Carrier Liability Order 1998. (Article 6)

Changes to legislation:

There are currently no known outstanding effects for the The Air Carrier Liability Regulations 2004.