

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Carriage by Air and Road Act 1979, Cross Heading: Article 22. (See end of Document for details)

PROSPECTIVE

SCHEDULES

SCHEDULE 1

THE WARSAW CONVENTION AS AMENDED AT THE HAGUE IN 1955 AND BY PROTOCOLS NO. 3 AND NO. 4 SIGNED AT MONTREAL IN 1975

Modifications etc. (not altering text)

- C1** The text of Ss. 1(1)(2), 2(1), 3, 4(1)–(3), 6(4), Schs. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not represent any amendments or repeals which may have been made prior to 1.2.1991

CHAPTER III

LIABILITY OF THE CARRIER

Article 22

- (1)
 - (a) In the carriage of persons the liability of the carrier is limited to the sum of 100,000 special drawing rights for the aggregate of the claims, however founded, in respect of damage suffered as a result of the death or personal injury of each passenger. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodic payments, the equivalent capital value of the said payments shall not exceed 100,000 special drawing rights.
 - (b) In the case of delay in the carriage of persons the liability of the carrier for each passenger is limited to 4,150 special drawing rights.
 - (c) In the carriage of baggage the liability of the carrier in the case of destruction, loss, damage or delay is limited to 1,000 special drawing rights for each passenger.
- (2)
 - (a) The courts of the High Contracting Parties which are not authorised under their law to award the costs of the action, including lawyers' fees, shall, in actions relating to the carriage of passengers and baggage to which this Convention applies, have the power to award, in their discretion, to the claimant the whole or part of the costs of the action, including lawyers' fees which the court considers reasonable.
 - (b) The costs of the action including lawyers' fees shall be awarded in accordance with *subparagraph (a) only if the claimant gives a written notice to the carrier of the amount claimed including the particulars of the calculation of that amount and the carrier does not make, within a period of six months after Ins receipt of such notice, a written offer of settlement in an amount at least equal to the compensation awarded within the applicable limit. This period will be extended until the time of commencement of the action if that is later.

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- (c) The costs of the action including lawyers' fees shall not be taken into account in applying the limits under this Article.
- (3) The sums mentioned in terms of special drawing right in this Article shall be deemed to refer to the special drawing right as defined by the *International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the special drawing right at the date of the judgment.

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