



# Carriage by Air and Road Act 1979

## 1979 CHAPTER 28

### **4 Replacement of gold francs by special drawing rights for the purposes of certain enactments relating to carriage by air or road.**

(1) Schedule 1 to the <sup>M1</sup>as originally enacted shall have effect with the following amendments, namely —

(a) in Article 22 of Part I of that Schedule (which among other things provides that the liability of a carrier is limited to two hundred and fifty thousand francs for each passenger and two hundred and fifty francs per kilogramme of cargo and registered baggage unless a higher limit is agreed and to five thousand francs for objects of which a passenger takes charge himself) —

(i) for the words “two hundred and fifty thousand francs” where they first occur and the words “two hundred and fifty francs” and “five thousand francs” there shall be substituted respectively the words “16,600 special drawing rights”, “17 special drawing rights” and “332 special drawing rights”,

(ii) for the words “two hundred and fifty thousand francs” in the second place where they occur there shall be substituted the words “this limit”, and

(iii) for paragraph (5) there shall be substituted the following paragraph —

“(5) The sums mentioned in terms of the 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. ;”

(b) in Article 22 of Part II of that Schedule (which contains the corresponding provisions of the French text) —

(i) for the words “deux cent cinquante mille francs”, “deux cent cinquante francs” and “cinq mille francs” there shall be substituted

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*Changes to legislation: There are currently no known outstanding effects for the Carriage by Air and Road Act 1979, Section 4. (See end of Document for details)*

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respectively the words “16.600 Droits de Tirage spéciaux”, “17 Droits de Tirage spéciaux” and “332 Droits de Tirage spéciaux”, and (ii) for paragraph (5) there shall be substituted the following paragraph —

“(5) Les sommes indiquées in Droits de Tirage spéciaux dans le présent article sont considérées comme se rapportant au Droit de Tirage spécial tel que défini par le Fonds monétaire international. La conversion de ces sommes en monnaies nationales s’effectuera en cas d’instance judiciaire suivant la valeur de ces monnaies en Droit de Tirage spécial à la date du jugement. ;”

but nothing in this subsection affects the provisions of Schedule 1 to this Act.

(2) The Schedule to the <sup>M2</sup>Carriage of Goods by Road Act 1965 (which contains the text of the Convention on the Contract for the International Carriage of Goods by Road as it has the force of law in the United Kingdom by virtue of section 1 of that Act) shall have effect with the following amendments, namely —

(a) for paragraph 3 of Article 23 (which provides that compensation for loss of goods shall not exceed 25 francs per kilogram of gross weight short) there shall be substituted the following paragraph —

(3) Compensation shall not, however, exceed 8.33 units of account per kilogram of gross weight short. ;

(b) at the end of Article 23 there shall be inserted the following paragraph —

“(7) The unit of account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amount mentioned in paragraph 3 of this article shall be converted into the national currency of the State of the Court seized of the case on the basis of the value of that currency on the date of the judgment or the date agreed upon by the Parties.”

<sup>F1</sup>(3) .....

(4) If judgment in respect of a liability limited by the said Article 22, 23 <sup>F2</sup>... is given—

(a) in the case of a liability limited by the said Article 22, at a time when the amendments made by this section to that Article are in force for the purposes of the liability; or

(b) in any other case, at a time when the amendments made by this section to the other Article in question are in force,

then, notwithstanding that the liability arose before the amendments in question came into force, the judgment shall be in accordance with that Article as amended by this section <sup>F2</sup>... .

#### Textual Amendments

**F1** S. 4(3) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

**F2** Words in s. 4(4) repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

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**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
- C2** 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

**Commencement Information**

- I1** S. 4 partly in force; s. 4 not in force at Royal Assent see s. 7(2); s. 4(1) in force at 1.12.1997 by [S.I. 1997/2565, art. 2, Sch.](#); s. 4(2) in force 28.12.1980 by S.I. art. 2, Sch.; s. 4(4) in force for certain purposes at 28.12.1980 by [S.I. 1980/1966, art. 2, Sch.](#); s. 4(4) in force for certain purposes at 1.12.1997 by [S.I. 1997/2565, art. 2, Sch.](#)

**Marginal Citations**

- M1** Carriage by Air 1961
- M2** [1965 c. 37](#)

**Changes to legislation:**

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