

STATUTORY INSTRUMENTS

1984 No. 701

CIVIL AVIATION

The Carriage by Air Acts (Application of Provisions) (Overseas Territories) (Amendment) Order 1984*Laid before Parliament in draft**Made - - - - 18th May 1984**Coming into Operation 1st July 1984*

At the Court at Buckingham Palace, the 18th day of May 1984

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been laid before Parliament and has been approved by a resolution of each House of Parliament, in accordance with section 10(5) of the Carriage by Air Act 1961(a):

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 10 of the Carriage by Air Act 1961 and of that section as applied by section 5(2) of the Carriage by Air (Supplementary Provisions) Act 1962(b), and of all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

Citation and Operation

1. This Order may be cited as the Carriage by Air Acts (Application of Provisions) (Overseas Territories) (Amendment) Order 1984 and shall come into operation on 1st July 1984.

Amendment of the Carriage by Air Acts (Application of Provisions) (Overseas Territories) Order 1967

2. The Carriage by Air Acts (Application of Provisions) (Overseas Territories) Order 1967(c) shall be amended as follows—

In Part I of Schedule 2 to the Order:—

- (a) In Article 22(1) for “eight hundred and seventy-five thousand francs” wherever it appears, there shall be substituted “100,000 special drawing rights”.

(a) 1961 c. 27.

(b) 1962 c. 43.

(c) S.I. 1967/810.

- (b) In Article 22(2)(a) for “two hundred and fifty francs” there shall be substituted “17 special drawing rights”.
- (c) In Article 22(3) for “five thousand francs” there shall be substituted “332 special drawing rights”.
- (d) For Article 22(5) there shall be substituted:—

“(5)(a) The value on a particular day of one special drawing right shall be treated as equal to such a sum in the relevant currency as the International Monetary Fund have fixed as being the equivalent of one special drawing right—

- (i) for that day; or
- (ii) if no sum has been so fixed for that day, for the last day before that day for which a sum has been so fixed;

Provided that if the International Monetary Fund have not so fixed a sum in the relevant currency, the value on a particular day of one special drawing right shall be taken to be the equivalent of a sum in the relevant currency stated in a certificate given in accordance with sub-paragraph (b) (iii) of this paragraph.

(b) A certificate given by or on behalf of the Governor of an Overseas Territory or by any person authorised by the Governor for that purpose stating—

- (i) that a particular sum in the relevant currency has been fixed as aforesaid for a particular day; or
- (ii) that no sum has been so fixed for a particular day and that a particular sum in the relevant currency has been so fixed for a day which is the last day for which a sum has been so fixed before the particular day; or
- (iii) that a particular sum in the relevant currency is to be taken as the equivalent of one special drawing right for a particular day,

shall be conclusive evidence of those matters for the purposes of this Article; and a document purporting to be such a certificate shall in any proceedings be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

(c) In this paragraph “the relevant currency” means the official currency of, or in use in, the Overseas Territory in which a certificate referred to in sub-paragraph (b) of this paragraph is given.”.

N. E. Leigh,
Clerk of the Privy Council.

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order amends the Carriage by Air Acts (Application of Provisions) (Overseas Territories) Order 1967 (which applies the provisions of the Carriage by Air Act 1961 and the Carriage by Air (Supplementary Provisions) Act 1962, with modifications set out in the Order, to carriage to which those Acts would otherwise not apply). In consequence of the amended Articles of Agreement of the International Monetary Fund having come into force, this Order substitutes special drawing rights for gold francs as the unit in which the limits of the air carrier's liability are expressed for the purposes of non-international carriage. The Order increases the limits of the air carrier's liability in respect of injury or death caused to passengers in non-international carriage from 875,000 francs to 100,000 special drawing rights.

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