
Changes to legislation: There are currently no known outstanding effects for the Regulation (EC) No 2027/97 on air carrier liability in respect of the carriage of passengers and their baggage by air, ANNEX. (See end of Document for details)

[ANNEX

Air carrier liability for passengers and their baggage

This information notice summarises the liability rules applied by [^{F1}UK air carriers].

Textual Amendments

- F1** Words in [Annex](#) 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), **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F1** Words in [Annex](#) 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), **7(9)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

Compensation in the case of death or injury

There are no financial limits to the liability for passenger injury or death. For damages up to 100000 SDRs (approximate amount in local currency) the air carrier cannot contest claims for compensation. Above that amount, the air carrier can defend itself against a claim by proving that it was not negligent or otherwise at fault.

Advance payments

If a passenger is killed or injured, the air carrier must make an advance payment, to cover immediate economic needs, within 15 days from the identification of the person entitled to compensation. In the event of death, this advance payment shall not be less than 16000 SDRs (approximate amount in local currency).

Passenger delays

In case of passenger delay, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or it was impossible to take such measures. The liability for passenger delay is limited to 4150 SDRs (approximate amount in local currency).

Baggage delays

In case of baggage delay, the air carrier is liable for damage unless it took all reasonable measures to avoid the damage or it was impossible to take such measures. The liability for baggage delay is limited to 1000 SDRs (approximate amount in local currency).

Destruction, loss or damage to baggage

The air carrier is liable for destruction, loss or damage to baggage up to 1000 SDRs (approximate amount in local currency). In the case of checked baggage, it is liable even if not at fault, unless the baggage was defective. In the case of unchecked baggage, the carrier is liable only if at fault.

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Higher limits for baggage

A passenger can benefit from a higher liability limit by making a special declaration at the latest at check-in and by paying a supplementary fee.

Complaints on baggage

If the baggage is damaged, delayed, lost or destroyed, the passenger must write and complain to the air carrier as soon as possible. In the case of damage to checked baggage, the passenger must write and complain within seven days, and in the case of delay within 21 days, in both cases from the date on which the baggage was placed at the passenger's disposal.

Liability of contracting and actual carriers

If the air carrier actually performing the flight is not the same as the contracting air carrier, the passenger has the right to address a complaint or to make a claim for damages against either. If the name or code of an air carrier is indicated on the ticket, that air carrier is the contracting air carrier.

Time limit for action

Any action in court to claim damages must be brought within two years from the date of arrival of the aircraft, or from the date on which the aircraft ought to have arrived.

Basis for the information

The basis for the rules described above is the Montreal Convention of 28 May 1999, which is implemented in the [F²United Kingdom in respect of UK air carriers] by Regulation (EC) No 2027/97 (as amended by Regulation (EC) No 889/2002) F³]

Textual Amendments

- F2** Words in Annex 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), 7(9)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in Annex omitted (31.12.2020) by virtue of The Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/278), regs. 1(3), 7(9)(b)(ii); 2020 c. 1, Sch. 5 para. 1(1)

Textual Amendments

- F2** Words in Annex 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), 7(9)(b)(i); 2020 c. 1, Sch. 5 para. 1(1)
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