



Carriage of Passengers by Road Act 1974

1974 CHAPTER 35

An Act to give effect to a Convention on the Contract for the International Carriage of Passengers and Luggage by Road, and for purposes connected therewith. [31st July 1974]

PROSPECTIVE

F¹ **Convention to have force of law.**

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

PROSPECTIVE

F² **Designation of Contracting States.**

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), Sch. 1 Pt. 14

Status: Point in time view as at 01/02/1991. This version of this Act contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Carriage of Passengers by Road Act 1974 (repealed). (See end of Document for details)

PROSPECTIVE

F13 Liability of carrier for death or personal injury.

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

PROSPECTIVE

F14 Power of court to take account of other proceedings.

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

PROSPECTIVE

F15 Registration of foreign judgments.

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

PROSPECTIVE

F16 Actions against Contracting States.

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Textual Amendments

F1 Act repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), **Sch. 1 Pt. 14**

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7 Resolution of conflicts between conventions on carriage of passengers.

(1) If at any time it appears to Her Majesty in Council that there is any conflict between the provisions of this Act (including the provisions of the Convention) and any provisions relating to the carriage of passengers or luggage for reward by land, sea or air in—

- (a) any other convention which has been signed or ratified by or on behalf of Her Majesty's Government in the United Kingdom before the passing of this Act, or
- (b) any enactment of the Parliament of the United Kingdom giving effect to such a convention,

Her Majesty may by Order in Council make such provision as may seem to Her to be appropriate for resolving that conflict by amending or modifying this Act or any such enactment.

(2) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

Modifications etc. (not altering text)

C1 S. 7 explained (*prosp.*) by Carriage by [Air and Road Act 1979 \(c. 28\)](#), [ss. 6\(1\)\(c\)](#), [7\(2\)](#)

8 Amendments consequential on revision of Convention.

(1) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have agreed to any revision of the Convention, [^{F2}whether such revision operates by way of amendment of the text of the Convention as then in force or takes the form of a new convention or a part of a new convention having substantially the same effect as the provisions set out in the Schedule to this Act,] Her Majesty may by Order in Council make such amendments—

[^{F3}(a) of this Act; and]

[^{F4}(c) of section 5(1) of the ^{M1}Carriage by Air and Road Act 1979]

as appear to Her to be appropriate in consequence of the revision.

[^{F5}(1A) In the preceding subsection “revision” means an omission from, addition to or alteration of the Convention and includes replacement of the Convention or part of it by another convention.]

(2) If at any time it appears to Her Majesty in Council that Her Majesty's Government in the United Kingdom have, in pursuance of article 32, reserved the right to apply, in place of articles 11 and 14, the provisions in any other convention in respect of which Her Majesty's Government are one of the Contracting States concerning civil liability for damage caused by motor vehicles, and that such other provisions, being provisions not less favourable to passengers than the provisions of articles 11 and 14, have come into force, Her Majesty may by Order in Council make such amendments [^{F6}of this Act] as appear to Her to be appropriate in consequence of the coming into force of such other provisions.

(3) An Order in Council under this section shall not be made unless a draft of the Order has been laid before Parliament and approved by a resolution of each House of Parliament.

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Textual Amendments

- F2** Words repealed (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), **ss. 6(4)(b)**, 7(2)
- F3** S. 8(1)(a) substituted for s.8(1)(a)(b) by International Transport Conventions Act 1983 (c. 14, SIF 102), s. 9, **Sch. 2 para. 3(1)**
- F4** S. 8(1)(c) inserted (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), **ss. 3(4)(b)**, 7(2)
- F5** S. 8(1A) inserted (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), **ss. 3(4)(c)**, 7(2)
- F6** Words "of this Act" substituted for s. 8(2)(a)(b) by International Transport Conventions Act 1983 (c. 14, SIF 102), s. 9, **Sch. 2 para. 3(2)**

Modifications etc. (not altering text)

- C2** S. 8 explained (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), **ss. 6(1)(c)**, 7(2)

Marginal Citations

- M1** 1979 c. 28.

9 Application to British possessions, etc.

Her Majesty may by Order in Council direct that this Act shall extend, subject to such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man;
- (b) any of the Channel Islands;
- (c) any colony;
- (d) any state or territory which is for the time being a protectorate or protected state for the purposes of the ^{M2}British Nationality Act 1948.

Modifications etc. (not altering text)

- C3** S. 9 explained (*prosp.*) by Carriage by Air and Road Act 1979 (c. 28), **ss. 6(1)(c)**, 7(2)

Marginal Citations

- M2** 1948 c. 56.

10 Application to Scotland.

- (1) In the application to Scotland of the Schedule to this Act—
 - (a) plaintiff means pursuer, and defendant means defender;
 - (b) costs means expenses, and security for costs means caution for expenses;
 - (c) prima facie evidence means sufficient evidence;
 - (d) judgment means decree, and judgment entered means decree pronounced.
- (2) For the purposes of article 22, as it has effect (as respects Scotland) in relation to arbitrations, where the parties to a dispute to which this Act applies agree to refer the dispute to arbitration, the arbitration shall be deemed to be commenced within the period of limitation specified in that article if, within that period, one party to the arbitration serves on the other party or parties a notice requiring him or them to appoint an arbiter or to agree to the appointment of an arbiter or, where the arbitration agreement provides that the references shall be to a person named or designated in

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the agreement, requiring him or them to submit the dispute to the person so named or designated.

11 Application to Northern Ireland.

- (1) In the application of section 5 of this Act to Northern Ireland, any reference to the ^{M3}Foreign Judgments (Reciprocal Enforcement) Act 1933 is a reference to that Act as it applies in Northern Ireland.
- (2) In the application of section 6 of this Act to Northern Ireland, for the words “the issue of execution” there shall be substituted the words “the making of an enforcement order under [^{F7}the Judgments Enforcement (Northern Ireland) Order 1981]”.

Textual Amendments

F7 Words substituted by [S.I. 1981/226 \(N.I.6\)](#), [Sch. 2 para. 23](#)

Marginal Citations

M3 [1933 c. 13.](#)

12 Orders in Council.

An Order in Council made under any of the preceding provisions of this Act may contain such transitional and supplementary provisions as appear to Her Majesty to be expedient and may be varied or revoked by a subsequent Order in Council made under that provision.

13 Application to Crown.

This Act shall bind the Crown.

14 Short title, interpretation and commencement.

- (1) This Act may be cited as the Carriage of Passengers by Road Act 1974.
- (2) The persons who, for the purposes of this Act, are persons concerned in the carriage of passengers and, where appropriate, their luggage by road under a contract to which the Convention applies are—
 - (a) the carrier,
 - (b) the passenger,
 - (c) any person for whom the carrier is responsible by virtue of article 4,
 - (d) any person to whom the rights and liabilities of any of the persons referred to in paragraphs (a) to (c) of this subsection have passed (whether by assignment or assignation or by operation of law).
- (3) In article 12 “injury”, in the first and last place where it occurs, shall be taken to mean “loss or damage”; and in paragraph 1 of article 13 “principal establishment” shall be taken to mean “principal place of business”.
- (4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

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- (5) Sections 1 to 6 above shall come into force on such day as Her Majesty may by Order in Council certify to be the day on which the Convention comes into force as regards the United Kingdom, but nothing in this Act shall apply in relation to any contract to which the Convention applies made before the day so certified.

Modifications etc. (not altering text)

C4 No day certified under s. 14(5)

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PROSPECTIVE

^{F1}SCHEDULE

Section 1.

CONVENTION ON THE CONTRACT FOR THE INTERNATIONAL
CARRIAGE OF PASSENGERS AND LUGGAGE BY ROAD

^{F1}CHAPTER I

SCOPE OF APPLICATION

^{F1} Article 1

^{F1} 1
^{F1} 2
^{F1} 3
^{F1} 4

^{F1} Article 2

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^{F1} Article 3

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^{F1}CHAPTER II

PERSONS FOR WHOM THE CARRIER IS RESPONSIBLE

^{F1} Article 4

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^{F1}CHAPTER III

TRANSPORT DOCUMENTS

^{F1} Section 1. Passengers

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F1 Article 5

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F1 Article 6

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F1 Article 7

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F1 Section 2. Luggage

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F1 Article 8

F1₁

F1₂

F1₃

F1 Article 9

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F1 Article 10

F1₁

F1₂

F1₃

F1 CHAPTER IV

LIABILITY OF THE CARRIER

F1 Section 1. Personal Injuries

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F1 Article 11

F1₁

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F12
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F1 Article 12

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F1 Article 13

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F14

F1 Section 2. Damage to Luggage

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F1 Article 14

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F13

F1 Article 15

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F12

F1 Article 16

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F13

F1 Section 3. General Provisions

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F1 Article 17

F11
F12

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F13

F1 Article 18

F11

F12

F13

F1 Article 19

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F1 Article 19

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F1 CHAPTER V

CLAIMS AND ACTIONS

F1 Article 20

F11

F12

F1 Article 21

F11

F12

F13

F14

F15

F1 Article 22

F11

F12

F13

F14

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^{F1}CHAPTER VI

NULLITY OF STIPULATIONS TO THE CONVENTION

^{F1} Article 23

F1 1
F1 2
F1 3

^{F1}CHAPTER VII

FINAL PROVISIONS

^{F1} Article 31

F1 1
F1 2

^{F1} Article 32

F1 1
F1 2

Status:

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