

**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 28. (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- C1** The text of Ss. 1(1)(2), 2(1), 3, 4(1)–(3), 6(4), Schs. 1, 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not represent any amendments or repeals which may have been made prior to 1.2.1991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 28*

- (1) An action for damages must be brought, at the option of the plaintiff, in the territory of one of the High Contracting Parties, either before the court having jurisdiction where the carrier is ordinarily resident, or has his principal place of business, or has an establishment by which the contract has been made or before the court having jurisdiction at the place of destination.
- (2) In respect of damage resulting from the death, injury or delay of a passenger or the destruction, loss, damage or delay of baggage, the action may be brought before one of the courts mentioned in paragraph (1) of this Article, or in the territory of one of the High Contracting Parties, before the court within the jurisdiction of which the carrier has an establishment if the passenger has his ordinary or permanent residence in the territory of the same High Contracting Party.
- (3) Questions of procedure shall be governed by the law of the court seised of the case.

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