



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(1) Schedule 1 to the Carriage by Air Act 1961 as originally enacted shall have effect with the following amendments, namely—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 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 en 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 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—

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—

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 seised 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.”

(3) The Schedule to the Carriage of Passengers by Road Act 1974 (which contains the text of the Convention on the Contract for the International Carriage of Passengers and Luggage 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) in paragraph 1 of Article 13 (which among other things provides that the total damages payable by a carrier in respect of the same occurrence shall not exceed 250,000 francs for each victim) for the words " 250,000 francs " there shall be substituted the words " 83,333 units of account " ;

(b) in paragraph 1 of Article 16 (which among other things provides that compensation in respect of luggage shall not exceed 500 francs for each piece of luggage nor 2,000 francs for each passenger and that compensation in respect of personal effects shall not exceed 1,000 francs for each passenger) for the words " 500 francs ", " 2,000 francs " and " 1,000 francs " respectively there shall be substituted the words " 166.67 units of account " , " 666.67 units of account " and " 333.33 units of account " ;

(c) for Article 19 (which provides that the franc referred to in the Convention shall be the gold franc specified in that Article) there shall be substituted the following Article—

“Article 19

The Unit of Account mentioned in this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in articles 13 and 16 of this Convention shall be converted into the national

currency of the State of the Court seised 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.”.

(4) If judgment in respect of a liability limited by the said Article 22, 23, 13 or 16 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 and, in a case falling within the said Article 13 or 16, in accordance with the said Article 19 as so amended.