
STATUTORY INSTRUMENTS

2004 No. 1899

CIVIL AVIATION

**The Carriage by Air Acts (Application
of Provisions) Order 2004**

Made - - - - - *27th July 2004*

Coming into force *6th August 2004*

**THE CARRIAGE BY AIR ACTS
(APPLICATION OF PROVISIONS) ORDER 2004**

1. Citation, commencement and effect
 2. Interpretation
 3. Application
 4. Non-international carriage
 5. International carriage under the unamended Warsaw Convention
 6. International carriage under the unamended Warsaw Convention as amended by Additional Protocol No. 1 of Montreal, 1975
 7. Application of certain provisions of the Acts
 8. Gratuitous carriage by the Crown
 9. Revocation
- Signature

SCHEDULE 1 — NON-INTERNATIONAL CARRIAGE
PART I— — APPLICATION OF THE MONTREAL CONVENTION
PART II
— **Non-international carriage**

CHAPTER I

General Provisions

1. Article 1—Scope of Application
4. This Schedule applies also to carriage as set out in...
1. Article 2—Carriage Performed by State and Carriage of Postal Items
2. In the carriage of postal items, the carrier shall be...

Status: This is the original version (as it was originally made).

3. Except as provided in paragraph 2 of this Article, the...

CHAPTER II

Documentation and Duties of the Parties relating to the Carriage of Passengers, Baggage and Cargo

3. Article 3—Passengers and Baggage
5. Non-compliance with the provisions of the foregoing paragraphs shall not...

CHAPTER III

Liability of the Carrier and Extent of Compensation for Damage

1. Article 17—Death and Injury of Passengers—Damage to Baggage
2. The carrier is liable for damage sustained in case of...
3. If the carrier admits the loss of the checked baggage,...
4. Unless otherwise specified, in this Schedule the term “baggage” means...
 1. Article 18—Damage to Cargo
 2. However, the carrier is not liable if and to the...
 3. The carriage by air within the meaning of paragraph 1...
 4. The period of the carriage by air does not extend...
- Article 19—Delay
- Article 20—Exoneration
1. Article 21—Compensation in Case of Death or Injury of Passengers
2. The carrier shall not be liable for damages arising under...
 1. Article 22—Limits of Liability in Relation to Delay, Baggage and Cargo
 2. In the carriage of baggage, the liability of the carrier...
 3. In the carriage of cargo, the liability of the carrier...
 4. In the case of destruction, loss, damage or delay of...
 5. The foregoing provisions of paragraphs 1 and 2 of this...
 6. The limits prescribed in Article 21 and in this Article...
 1. Article 23—Conversion of Monetary Units
 2. The value on a particular day of one Special Drawing...
 3. A certificate given by or on behalf of the Treasury...
- Article 25—Stipulation on Limits
- Article 26—Invalidity of Contractual Provisions
- Article 27—Freedom to Contract
- Article 28—Advance Payments
- Article 29—Basis of Claims
1. Article 30—Servants, Agents—Aggregation of Claims
2. The aggregate of the amounts recoverable from the carrier, its...
3. Save in respect of the carriage of cargo, the provisions...
 1. Article 31—Timely Notice of Complaints
 2. In the case of damage, the person entitled to delivery...
 3. Every complaint must be made in writing and given or...
 4. If no complaint is made within the times aforesaid, no...
 - Article 32—Death of Person Liable
 1. Article 34—Arbitration
 3. The arbitrator or arbitration tribunal shall apply the provisions of...
 4. The provisions of paragraphs 2 and 3 of this Article...
 1. Article 35—Limitation of Actions
 2. The method of calculating that period shall be determined by...

1. Article 36—Successive Carriage
2. In the case of carriage of this nature, the passenger...
3. As regards baggage or cargo, the passenger or consignor will...
Article 37—Right of Recourse against Third Parties

CHAPTER IV

Combined Carriage

1. Article 38—Combined Carriage
2. Nothing in this Schedule shall prevent the parties in the...

CHAPTER V

Carriage by Air Performed by a Person other than the Contracting Carrier

- Article 39—Contracting Carrier—Actual Carrier
- Article 40—Respective Liability of Contracting and Actual Carriers
- 1. Article 41—Mutual Liability
- 2. The acts and omissions of the contracting carrier and of...
Article 42—Addressee of Complaints and Instructions
- Article 43—Servants and Agents
- Article 44—Aggregation of Damages
- Article 45—Addressee of Claims
- Article 47—Invalidity of Contractual Provisions
- Article 48—Mutual Relations of Contracting and Actual Carriers

CHAPTER VI

Other Provisions

- Article 49—Mandatory Application
- Article 52—Definition of Days

SCHEDULE 2 — INTERNATIONAL CARRIAGE UNDER THE UNAMENDED WARSAW CONVENTION

PART I

1. The 1955 amended Convention and the Guadalajara Convention shall apply...
2. For the purposes of Article 5 of this Order and...
3. The 1955 amended Convention shall apply to international carriage as...
4. The Guadalajara Convention shall apply to international carriage within the...

PART II

— INTERNATIONAL CARRIAGE UNDER THE UNAMENDED WARSAW CONVENTION

CHAPTER I

Scope—Definitions

- Article 1
- Article 2

Status: This is the original version (as it was originally made).

CHAPTER II

Documents of Carriage

SECTION I—PASSENGER, TICKET

Article 3

SECTION 2—BAGGAGE CHECK

Article 4

SECTION 3—AIR WAYBILL

Article 5
Article 6
Article 7
Article 8
Article 9
Article 10
Article 11
Article 12
Article 13
Article 14
Article 15
Article 16

CHAPTER III

Liability of the Carrier

Article 17
Article 18
Article 19
Article 20
Article 21
Article 22
Article 23
Article 24
Article 25
Article 26
Article 27
Article 28>
Article 29
Article 30

CHAPTER IV

Provisions Relating to Combined Carriage

Article 31

CHAPTER V

General and Final Provisions

Article 32
Article 33
Article 34
Article 35

ADDITIONAL PROTOCOL TO THE WARSAW CONVENTION

INTERNATIONAL CARRIAGE UNDER THE UNAMENDED WARSAW CONVENTION

- Article I
Article II
1. Article III
2. The acts and omissions of the contracting carrier and of...
Article IV
Article V
Article VI
Article VII
Article VIII
1. Article IX
2. In respect of the carriage performed by the actual carrier,...
3. Any clause contained in an agreement for carriage and all...
Article X

SCHEDULE 3 — INTERNATIONAL CARRIAGE UNDER THE WARSAW CONVENTION AS AMENDED BY ADDITIONAL PROTOCOL NO. 1 OF MONTREAL 1975

PART I

1. The 1955 amended Convention¹ and the Guadalajara Convention shall apply...
2. For the purposes of Article 6 of this Order and...
3. The 1955 amended Convention shall apply to international carriage as...
4. The Guadalajara Convention shall apply to international carriage within the...

PART II

INTERNATIONAL CARRIAGE UNDER THE UNAMENDED, WARSAW CONVENTION AS AMENDED BY ADDITIONAL PROTOCOL NO. I OF MONTREAL 1975

CHAPTER 1

Scope-Definitions

Article 1
Article 2

Status: This is the original version (as it was originally made).

CHAPTER II

Documents of Carriage

Section 1

PASSENGER TICKET

Article 3

Section 2

BAGGAGE CHECK

Article 4

Section 3

AIR WAYBILL

Article 5

Article 6

Article 7

Article 8

Article 9

Article 10

Article 11

Article 12

Article 13

Article 14

Article 15

Article 16

CHAPTER III

Liability of the Carrier

Article 17

Article 18

Article 19

Article 20

Article 21

Article 22

Article 23

Article 24

Article 25

Article 26

Article 27

Article 28

Article 29

Article 30

CHAPTER IV

Provisions Relating to Combined Carriage

Article 31

CHAPTER V

General and Final Provisions

Article 32

Article 33

Article 34

Article 35

ADDITIONAL PROTOCOL TO THE WARSAW CONVENTION

INTERNATIONAL CARRIAGE UNDER THE UNAMENDED WARSAW CONVENTION AS AMENDED BY ADDITIONAL PROTOCOL NO. 1 OF MONTREAL 1975

Article I

Article II

1. **Article III**

2. The acts and omissions of the contracting carrier and of...

Article IV

Article V

Article VI

Article VII

Article VIII

1. **Article IX**

2. In respect of the carriage performed by the actual carrier,...
3. Any clause contained in an agreement for carriage and all...

Article X

SCHEDULE 4 — ORDERS REVOKED

Explanatory Note