

2004 No. 1974

CIVIL AVIATION

The Air Carrier Liability (No. 2) Regulations 2004

Made - - - - - 27th July 2004

Laid before Parliament 29th July 2004

Coming into force - - 23rd August 2004

The Secretary of State for Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Air Carrier Liability (No. 2) Regulations 2004 and shall come into force on 23rd August 2004.

Amendment of article 2 of the Carriage by Air Acts (Application of Provisions) Order 2004

2. For the definition of “the Council Regulation” in article 2 of the Carriage by Air Acts (Application of Provisions) Order 2004(c) there shall be substituted—

““the Council Regulation” means Council Regulation (EC) No. 2027/97 as amended by Regulation (EC) No. 889/2002 of the European Parliament and of the Council(d) as it has effect in accordance with the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993(e) as amended by the Decisions of the EEA Joint Committee No. 34/98 of 30th April 1998 and No. 142/2002 of 8th November 2002(f);”.

Amendment of the Air Carrier Liability Regulations 2004

3. In regulation 4 of the Air Carrier Liability Regulations Order 2004(g) for “level 5 on the standard scale” there shall be substituted “the statutory maximum”.

Signed by authority of the Secretary of State for Transport

Tony McNulty
Parliamentary Under-Secretary of State,
Department for Transport

27th July 2004

(a) S.I. 1993/2661
(b) 1972 c. 68.
(c) S.I. 2004/1899.
(d) O.J. L 285 of 17.10.97, p. 1 and 140 of 30.5.02, p. 2.
(e) Cm 2073 and 2183.
(f) O.J. L310, 19.11.1998, p.21) and No. 142/2002 of 8 November 2002 (O.J. L19, 23.1.2003, p. 9.
(g) S.I. 2004/1418.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend article 2 of the Carriage by Air Acts (Application of Provisions) Order 2004 by updating the definition given for the Council Regulation (Council Regulation (EC) No. 2027/97) to include the amendment to that Regulation made by Regulation (EC) No. 889/2002 of the European Parliament and of the Council. They also effect a correction to the Air Carrier Liability Regulations 2004 relating to the language used to describe the financial level of the fine that may be imposed on summary conviction.

A full regulatory impact assessment has not been produced for this Instrument as it has no impact on the cost of business.

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