

**THE CARRIAGE BY AIR (MONTREAL  
CONVENTION) ACT**

**ARRANGEMENT OF SECTIONS**

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**THE CARRIAGE BY AIR (MONTREAL  
CONVENTION) ACT**

Act  
3 of 2009.

[20th April, 2009. ]

1. This Act may be cited as the Carriage by Air (Montreal Convention) Act. Short title.

2. In this Act, "Montreal Convention" means the Convention for the Unification of Certain Rules for International Carriage by Air signed at Montreal on the 28th of May, 1999, as in force in relation to Jamaica, the text of which is set out in the Schedule. Interpretation.  
Schedule.

3.—(1) The provisions of the Montreal Convention shall have the force of law in Jamaica. Convention to have force of law in Jamaica.

(2) In the event of any inconsistency between the Montreal Convention and any other rules which apply to international carriage by air, the provisions of the Montreal Convention shall prevail.

4.—(1) The Minister may, from time to time, by order, provide for such matters as may be necessary for the implementation of the provisions of the Montreal Convention. Ministerial orders.

(2) An order made under this section shall be subject to affirmative resolution.

**CARRIAGE BY AIR (MONTREAL CONVENTION)****SCHEDULE****(Section 2)*****Convention for the Unification of Certain Rules for International Carriage by Air*****THE STATES PARTIES TO THIS CONVENTION**

**RECOGNIZING** the significant contribution of the Convention for the Unification of Certain Rules relating to International Carriage by Air signed in Warsaw on 12 October 1929, hereinafter referred to as the "Warsaw Convention", and other related instruments to the harmonization of private international air law;

**RECOGNIZING** the need to modernize and consolidate the Warsaw Convention and related instruments;

**RECOGNIZING** the importance of ensuring protection of the interests of consumers in international carriage by air and the need for equitable compensation based on the principle of restitution;

**REAFFIRMING** the desirability of an orderly development of international air transport operations and the smooth flow of passengers, baggage and cargo in accordance with the principles and objectives of the Convention on International Civil Aviation, done at Chicago on 7th December, 1944;

**CONVINCED** that collective State action for further harmonization and codification of certain rules governing international carriage by air through a new Convention is the most adequate means of achieving an equitable balance of interests;

**HAVE AGREED AS FOLLOWS:**

**CHAPTER I—*General Provisions*****ARTICLE I—*Scope of application***

1. This Convention applies to all international carriage of persons, baggage or cargo performed by aircraft for reward. It applies equally to gratuitous carriage by aircraft performed by an air transport undertaking.

2. For the purposes of this Convention, the expression "international carriage" means any carriage in which, according to the agreement between the parties, the place of departure and the place of destination, whether or not there be a break in the carriage or a trans-shipment, are situated either within the territories of two States Parties, or within the territory of a single State Party if there is an agreed stopping place within the territory of another State, even if that State is not a State Party. Carriage between two points within the

territory of a single State Party without an agreed stopping place within the territory of another State is not international carriage for the purposes of this Convention.

3. Carriage to be performed by several successive carriers is deemed, for the purposes of this Convention, to be one undivided carriage if it has been regarded by the parties as a single operation, whether it had been agreed upon under the form of a single contract or of a series of contracts, and it does not lose its international character merely because one contract or a series of contracts is to be performed entirely within the territory of the same State.

4. This Convention applies also to carriage as set out in Chapter V, subject to the terms contained therein.

*ARTICLE 2—Carriage performed by State and carriage of postal items*

1. This Convention applies to carriage performed by the State or by legally constituted public bodies provided it falls within the conditions laid down in Article 1.

2. In the carriage of postal items, the carrier shall be liable only to the relevant postal administration in accordance with the rules applicable to the relationship between the carriers and the postal administrations.

3. Except as provided in paragraph 2 of this Article, the provisions of this Convention shall not apply to the carriage of postal items.

*CHAPTER II—Documentation and Duties of the Parties Relating to the Carriage of Passengers, Baggage and Cargo*

*ARTICLE 3—Passengers and Baggage*

1. In respect of carriage of passengers, an individual or collective document of carriage shall be delivered containing—

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place.

2. Any other means which preserves the information indicated in paragraph 1 may be substituted for the delivery of the document referred to in that paragraph. If any such other means is used, the carrier shall offer to deliver to the passenger a written statement of the information so preserved.

3. The carrier shall deliver to the passenger a baggage identification tag for each piece of checked baggage.

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4. The passenger shall be given written notice to the effect that where this Convention is applicable it governs and may limit the liability of carriers in respect of death or injury and for destruction or loss of or damage to, baggage, and for delay.

5. Non-compliance with the provisions of the foregoing paragraphs shall not affect the existence or the validity of the contract of carriage, which shall, nonetheless, be subject to the rules of this Convention including those relating to limitation of liability.

### *ARTICLE 4—Cargo*

1. In respect of carriage of cargo, an air waybill shall be delivered.

2. Any other means which preserves a record of the carriage to be performed may be substituted for the delivery of an air waybill. If such other means are used, the carrier shall, if so requested by the consignor, deliver to the consignor a cargo receipt permitting identification of the consignment and access to the information contained in the record preserved by such other means.

### *ARTICLE 5—Contents of air waybill or cargo receipt*

The air waybill or the cargo receipt shall include—

- (a) an indication of the places of departure and destination;
- (b) if the places of departure and destination are within the territory of a single State Party, one or more agreed stopping places being within the territory of another State, an indication of at least one such stopping place; and
- (c) an indication of the weight of the consignment.

### *ARTICLE 6—Document relating to the nature of the cargo*

The consignor may be required, if necessary, to meet the formalities of customs, police and similar public authorities to deliver a document indicating the nature of the cargo. This provision creates for the carrier no duty, obligation or liability resulting therefrom.

### *ARTICLE 7—Description of air waybill*

1. The air waybill shall be made out by the consignor in three original parts.

2. The first part shall be marked "for the carrier"; it shall be signed by the consignor. The second part shall be marked "for the consignee"; it shall be signed by the consignor and by the carrier. The third part shall be signed by the carrier who shall hand it to the consignor after the cargo has been accepted.