



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CARRIAGE BY AIR (MONTREAL CONVENTION, 1999) ACT 2007

2020 REVISED EDITION

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Carriage by Air (Montreal Convention, 1999) Act 2007

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-

An Act to give effect to the provisions of the Montreal Convention, 1999 concerning international carriage by air and for purposes connected therewith.

[16 November 2007]

Short title

1. This Act is the Carriage by Air (Montreal Convention, 1999) Act 2007.

Interpretation

2. In this Act, unless the context otherwise requires —

“Convention” means the Convention for the unification of certain rules relating to international carriage by air opened for signature at Montreal on 28 May 1999, the text of which is set out in the Schedule;

“court”, in relation to any arbitration proceedings allowed by Article 34 of the Convention, means the arbitrator or arbitration tribunal hearing the arbitration;

“regulations” means regulations made under section 13.

Convention to have force of law

3.—(1) Despite any other written law or rule of law but subject to this Act, the provisions of the Convention, so far as they relate to the rights and liabilities of carriers, carriers’ servants and agents, passengers, consignors, consignees and other persons, have the force of law in Singapore in relation to any carriage by air to which the Convention applies regardless of the nationality of the aircraft performing that carriage.

(2) Subsection (1) does not affect rights or liabilities arising out of an occurrence before 16 November 2007.

State Parties to Convention

4.—(1) For the purposes of this Act, a State Party to the Convention refers to any country that has ratified, accepted, approved or acceded to the Convention in accordance with Article 53 of the Convention.

(2) This Act applies to any such State Party to the Convention only in respect of such of its territorial units as it has, by a declaration made under Article 56 of the Convention, declared to be a territorial unit to which the Convention is to apply.

Liability for fatal accidents under Article 17 of Convention

5. References in section 20 of the Civil Law Act 1909 to a wrongful act, neglect or default include references to any occurrence which gives rise to liability under Article 17 of the Convention.

Limitations of liability under Article 22 of Convention

6.—(1) The limitations on liability under Article 22 of the Convention apply whatever the nature of the proceedings by which liability may be enforced.

(2) The limitation for each passenger under paragraph 1 of Article 22 of the Convention applies to the aggregate liability of the carrier in all proceedings which may be brought against the carrier under the law of Singapore, together with any proceedings brought against the carrier outside Singapore.

(3) A court before which proceedings are brought to enforce a liability which is limited by Article 22 of the Convention may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of —

- (a) the provisions of that Article; and
- (b) any other proceedings which have been, or are likely to be, commenced in Singapore or elsewhere to enforce the liability in whole or in part.

(4) Without affecting subsection (3), a court before which proceedings are brought to enforce a liability which is limited by Article 22 of the Convention has, where the liability is, or may be, partly enforceable in other proceedings in Singapore or elsewhere, jurisdiction —

- (a) to award an amount less than what the court would have awarded if the limitation applied solely to the proceedings before the court; or
- (b) to make any part of its award conditional on the result of any other proceedings.