

**Carriage by Air Act  
(CHAPTER 32A)**

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## **CARRIAGE BY AIR ACT** **(CHAPTER 32A)**

(Original Enactment: Act 20 of 1988)

REVISED EDITION 2001

(31st December 2001)

An Act to give effect to the provisions of the Warsaw Convention concerning international carriage by air and the Convention as amended by the Hague Protocol and the Montreal Protocol No. 4 and for purposes connected therewith.

[\[7/99\]](#)

[16th September 1988]

### **Short title**

1. This Act may be cited as the Carriage by Air Act.

### **Interpretation**

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

“court”, in an arbitration allowed by the Warsaw Convention, the Warsaw (Hague) Convention or the Warsaw (Hague) (Montreal) Convention including an arbitrator;

“Hague Protocol” means the Protocol to amend the Warsaw Convention opened for signature at the Hague on 28th September 1955;

“Montreal Protocol No. 4” means Protocol No. 4 to amend the Warsaw (Hague) Convention opened for signature at Montreal on 25th September 1975;

“Warsaw Convention” means the original Convention for the unification of certain rules relating to international carriage by air opened for signature at Warsaw on 12th October 1929, the text of which is set out in the Second Schedule;

“Warsaw (Hague) Convention” means the Warsaw Convention as amended by the Hague Protocol, the text of which is set out in the First Schedule;

“Warsaw (Hague) (Montreal) Convention” means the Warsaw (Hague) Convention as amended by the Montreal Protocol No. 4, the text of which is set out in the Third Schedule.

[7/99]

### **Conventions to have force of law**

3.—(1) Subject to this Act, the provisions of the Warsaw Convention, the Warsaw (Hague) Convention and the Warsaw (Hague) (Montreal) Convention shall, so far as they relate to the rights and liabilities of carriers, carriers’ employees 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 Warsaw Convention, the Warsaw (Hague) Convention or the Warsaw (Hague) (Montreal) Convention, as the case may require, applies irrespective of the nationality of the aircraft performing that carriage.

[7/99]

(2) If there is any inconsistency between any of the texts set out in the First, Second and Third Schedules and the authentic text in the French language of the Warsaw Convention, or the Hague Protocol or the Montreal Protocol No. 4, as the case may be, the authentic French text shall prevail.

[7/99]

### **Certification of High Contracting Parties**

4.—(1) The Minister may, by order published in the Gazette, from time to time certify who are the High Contracting Parties to the Warsaw Convention, the High Contracting Parties to the Warsaw (Hague) Convention and the High Contracting Parties to the Warsaw (Hague) (Montreal) Convention, in respect of what territories they are respectively parties and to what extent they have availed themselves of the provisions of the Additional Protocol at the end of the Warsaw Convention, the Warsaw (Hague) Convention and the Warsaw (Hague) (Montreal) Convention.

[7/99]

(2) Article 40A(2) in the First and Third Schedules shall not be read as extending references in those Schedules to the territory of a High Contracting Party (except such as are references to the territory of any State, whether a High Contracting Party or not) to

include any territory in respect of which that High Contracting Party is not a party.

[7/99]

(3) An order in force under this section shall be conclusive evidence of the matters so certified.

(4) An order made under this section may contain such transitional and other consequential provisions as appear to the Minister to be expedient.

### **Fatal accidents**

5. References in section 20 of the Civil Law Act (Cap. 43) to a wrongful act, neglect or default shall include references to any occurrence which gives rise to liability under Article 17 in the First, Second and Third Schedules.

[7/99]

### **Limitations of liability**

6.—(1) It is declared that the limitations on liability in Article 22 in the First, Second and Third Schedules shall apply whatever the nature of the proceedings by which liability may be enforced and that, in particular the limitation for each passenger in Article 22(1) in the First, Second and Third Schedules shall apply to the aggregate liability of the carrier in all proceedings which may be brought against him under the law of Singapore, together with any proceedings brought against him outside Singapore.

[45/98; 7/99]

(2) A court before which proceedings are brought to enforce a liability which is limited by Article 22 in the First, Second or Third Schedule may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of the provisions of that Article, and of 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.

[7/99]

(3) Without prejudice to subsection (2), a court before which proceedings are brought to enforce a liability which is limited by Article 22 in the First, Second or Third Schedule shall, where the liability is, or may be, partly enforceable in other proceedings in Singapore or elsewhere, have jurisdiction —

- (a) to award an amount less than 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.

[7/99]

(4) The Minister may, by order published in the *Gazette*, from time to time specify

the respective amounts which, for the purposes of Article 22 in the First, Second and Third Schedules, are to be taken as equivalent to the sums expressed in francs or Special Drawing Rights, as the case may be, which are mentioned in that Article.

[7/99]

(5) References in this section to Article 22 in the First and Third Schedules shall, subject to any necessary modifications, include references to that Article as applied by Article 25A in the First and Third Schedules respectively.

[7/99]

### **Notice of partial loss**

7. In Article 26(2) in the First, Second and Third Schedules, the references to damage shall be construed as including loss of part of the baggage or cargo in question and the references to the receipt of baggage or cargo shall, in relation to loss of part of it, be construed as receipt of the remainder of it.

[7/99]

### **Time for bringing proceedings**

8.—(1) No action against a carrier's employee or agent which arises out of damage to which the Warsaw Convention, the Warsaw (Hague) Convention or the Warsaw (Hague) (Montreal) Convention relates shall, if he was acting within the scope of his employment, be brought after more than 2 years, reckoned from the date of arrival at the destination or from the date on which the aircraft ought to have arrived, or from the date on which the carriage stopped.

[7/99]

(2) Article 29 in the First, Second and Third Schedules shall not be read as applying to any proceedings for contribution between persons liable for any damage to which the Warsaw Convention, the Warsaw (Hague) Convention or the Warsaw (Hague) (Montreal) Convention relates.

[7/99]

(3) Subject to sections 4 and 29 of the Limitation Act (Cap. 163), no action shall be brought by a person, liable for any damage to which the Warsaw Convention, the Warsaw (Hague) Convention or the Warsaw (Hague) (Montreal) Convention relates, to recover contribution from any other person in respect of the damage after the expiration of 2 years from the time when a court gives judgment or makes an award against the person seeking to recover the contribution.

[7/99]

(4) Subsections (1), (2) and (3) and Article 29 in the First, Second and Third Schedules shall have effect as if references in those provisions to an action included references to an arbitration.

[7/99]