Draft Order in Council laid before Parliament under section 2(2) of the European Communities Act 1992 and section 10 of the Carriage by Air Act 1961, for approval by resolution of each House of Parliament. This draft supersedes the previous printed draft (ISBN 0-11-079051-0) and will be issued free of charge to all known recipients of the previous draft.

DRAFT STATUTORY INSTRUMENTS

1998 No.

CIVIL AVIATION

Air Carrier Liability Order 1998

Made - - - - 1998

Coming into force - - 17th October 1998

At the Court at , the day of 1998

Present,

The Queen's Most Excellent Majesty in Council

Whereas a draft of this Order has been approved by a resolution of each House of Parliament:

Now, therefore, Her Majesty, in exercise of the powers conferred upon Her by section 10 of the Carriage by Air Act 1961(**1**), as applied by section 5(2) of the Carriage by Air (Supplementary Provisions) Act 1962(**2**) and section 2(2) of the European Communities Act 1972(**3**), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered as follows:

Citation and commencement

1. This Order may be cited as the Air Carrier Liability Order 1998 and shall come into force on 17th October 1998.

Interpretation

2. In this Order—

"Council Regulation" means Council Regulation (EC) No. 2027/97 of 9th October 1997 on air carrier liability in the event of accidents(**4**);

(**1**) 1961 c. 27 (9 & 10 Eliz. 2).
(**2**) 1962 c. 43 (10 & 11 Eliz. 2).
(**3**) 1972 c. 68.
(**4**) OJ No. L285 of 17.10.97, p.1.

"non-Community air carrier" means an air carrier established outside the Community operating to, from or within the Community; and

other expressions have, in so far as the context admits, the same meaning as in the Council Regulation.

Amendments

3. The Carriage by Air Act 1961 shall be amended as follows:

(1) After section 1(1) there shall be inserted the following subsection—

"(1A) In relation to Community air carriers—

(a) in respect of damages up to the equivalent in ecus of 100,000 SDR arising from the death, wounding or other bodily injury suffered by a passenger, the provisions of Article 20 of the Convention; and

(b) in respect of damages arising from the death, wounding or other bodily injury suffered by a passenger the provisions of Articles 21 and 22(1) of the Convention,

do not have the force of law in the United Kingdom.".

(2) For section 14(2) there shall be substituted the following:

"(2) In this Act—

"the Council Regulation" means Council Regulation (EC) No. 2027/97 of 9th October 1997 on air carrier liability in the event of accidents;

"Community air carrier", "SDR" and "ecu" have the meaning given by Article 2 of the Council Regulation; and

"court" includes (in an arbitration allowed by the Convention) an arbitrator.".

4. In the Carriage by Air Acts (Application of Provisions) Order 1967(**5**), after article 5A there shall be inserted the following article:

"Application of the air carrier liability Regulation

5B.—(1) In relation to Community air carriers:

(a) in respect of damages up to the equivalent in ecus of 100,000 SDR arising from the death, wounding or other bodily injury suffered by a passenger, Article 20 of Part III of Schedule 1 and Article 20(1) of Part B of Schedules 2 and 3 to this Order;

(b) in respect of damages arising from the death, wounding or other bodily injury suffered by a passenger Article 21 of Part III of Schedule 1 and of Part B of Schedules 2 and 3 to this Order; and

(c) in respect of damages arising from the death, wounding or other bodily injury suffered by a passenger Article 22(1) of Part III of Schedule 1 and of Part B of Schedules 2 and 3 to this Order,

do not have the force of law in the United Kingdom.".

5. In the Licensing of Air Carriers Regulations 1992(**6**), regulation 11(1)(b) shall be deleted.

(**5**) S.I. 1967/480; relevant amending instruments are S.I. 1979/931, 1981/440 and 1998/1058.
(**6**) S.I. 1992/2992, to which there are amendments not relevant to this Order.