

# Insurance

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## Air Carrier Liability Regulations 2004/1418

Unamended since 1 January 2021

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**2004 No. 1418****CIVIL AVIATION****The Air Carrier Liability Regulations 2004**

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|                               |                       |
|-------------------------------|-----------------------|
| <i>Made</i>                   | <i>24th May 2004</i>  |
| <i>Laid before Parliament</i> | <i>2nd June 2004</i>  |
| <i>Coming into force</i>      | <i>28th June 2004</i> |

The Secretary of State for Transport, being a Minister designated<sup>1</sup> for the purposes of section 2(2) of the European Communities Act 1972 in relation to matters relating to air transport, in exercise of the powers conferred by that section hereby makes the following Regulations:

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**Notes**

<sup>1</sup> S.I. 1993/2661.

**Extent**

Preamble: United Kingdom

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 Law In Force

**1. Citation and commencement**

These Regulations may be cited as the Air Carrier Liability Regulations 2004 and shall come into force on 28th June 2004.

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**Commencement**

reg. 1: June 28, 2004

**Extent**

reg. 1: United Kingdom

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 Law In Force

**[2.**

In these Regulations—

"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;  
"UK air carrier" has the meaning given by Article 2 of the Council Regulation.

] <sup>1</sup>

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#### Notes

<sup>1</sup> Substituted by Air Passenger Rights and Air Travel Organisers' Licensing (Amendment) (EU Exit) Regulations 2019/278 Pt 3 reg.3(2) (December 31, 2020: shall come into force on exit day as specified in 2018 c.16 s.20(1))


#### Commencement

reg. 2: June 28, 2004

#### Extent

reg. 2 definition of "the Council Regulation"- definition of "UK air carrier": United Kingdom

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 Law In Force

### 3.— Enforcement of Articles 3a and 6 of the Council Regulation

(1) A [ UK air carrier ] <sup>1</sup> that fails to make available the tariff required by Article 3a of the Council Regulation shall be guilty of an offence unless it proves that the failure to do so occurred without its consent or connivance and that it exercised all due diligence to prevent the failure.

(2) An air carrier that fails to comply with the requirements imposed on it by paragraphs 1 or 2 of Article 6 of the Council Regulation shall be guilty of an offence unless it proves that the failure to do so occurred without its consent or connivance and that it exercised all due diligence to prevent the failure.

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#### Notes

#### Commencement

reg. 3(1)-(2): June 28, 2004

#### Extent

reg. 3(1)-(2): United Kingdom

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 Law In Force

### 4.— Penalties

(1) A person guilty of an offence under these Regulations shall be liable—  
(a) on summary conviction, to a fine not exceeding [ the statutory maximum ] <sup>1</sup> , and  
(b) on conviction on indictment, to a fine.

(2) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any such person who was purporting to act in such capacity, he, as well as the body corporate, shall be guilty of an offence and be liable to be proceeded against and punished accordingly.

(3) Where the affairs of a body corporate are managed by its members, paragraph (2) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(4) Where a Scottish partnership is guilty of an offence under these Regulations in Scotland and that offence is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a partner, he, as well as the partnership, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

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**Notes**

<sup>1</sup> Words substituted by Air Carrier Liability (No. 2) Regulations 2004/1974 reg.3 (August 23, 2004)


**Commencement**

reg. 4(1)-(4): June 28, 2004

**Extent**

reg. 4(1)-(4): United Kingdom

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 Law In Force

**5. Amendment of the Carriage by Air Act 1961**

In section 14 of the Carriage by Air Act 1961<sup>1</sup> for the definition of “the Council Regulation” there shall be substituted the following definition—

““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 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 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.”.

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**Notes****Commencement**

reg. 5: June 28, 2004

**Extent**

reg. 5: United Kingdom

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✔ Law In Force

## 6. Revocation

The Air Carrier Liability Order 1998 is hereby revoked.

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### Commencement

reg. 6: June 28, 2004

### Extent

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✔ Law In Force

*Signed by authority of the Secretary of State for Transport*

*Tony McNulty*  
Parliamentary Under-Secretary of State,

24th May 2004

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations create sanctions for breach of Articles 3a and 6 of Council Regulation (EC) No. 2027/97 as amended by Regulation (EC) No. 889/2002. These Articles impose requirements—

- (a) on Community air carriers relating to making available a tariff of charges for providing a higher liability in the carriage of baggage, and
- (b) on all air carriers relating to—
  - (i) making available information or, in the case of Community air carriers the required notice, of applicable provisions relating to carrier liability, and
  - (ii) the provision of information to each passenger concerning carrier liability for death or injury, loss or damage to baggage and for delay. (Articles 3 and 4).

It amends the Carriage by Air Act 1961 by updating the definition given in section 14 to the Council Regulation (meaning Council Regulation 2027/97) to include the amendment to that Regulation done by Regulation (EC) No. 889/2002 of the European Parliament and of the Council. (Article 5)

It revokes the Air Carrier Liability Order 1998. (Article 6)

**Modifications**

| <b>Provision</b>      | <b>Modification</b>                              | <b>Notes</b>   | <b>Further Information</b> |
|-----------------------|--|--|----------------------------|
| <b>Whole Document</b> | European Union (Withdrawal) Act 2018 c. 16, s. 2 | Despite the repeal of 1972 c.68 by 2018 c.16 s.1, EU-derived domestic legislation, as it has effect in domestic law immediately before exit day, continues to have effect in domestic law during the implementation period under 2018 c.16 s.1B and on and after IP completion day under 2018 c.16 s.2 |                            |

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