

Air Navigation and Transport Act, 1988



Number 15 of 1988

AIR NAVIGATION AND TRANSPORT ACT, 1988

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Number 15 of 1988

AIR NAVIGATION AND TRANSPORT ACT, 1988

AN ACT TO MAKE PROVISION FOR THE PROMOTION OF SECURITY AND SAFETY OF CIVIL AVIATION AND IN RELATION TO AERODROMES AND AIRCRAFT AND FOR THAT AND OTHER PURPOSES TO AMEND AND EXTEND THE AIR NAVIGATION AND TRANSPORT ACTS, 1936 TO 1986; TO MAKE PROVISION FOR THE IMPLEMENTATION OF CERTAIN PROTOCOLS TO THE WARSAW CONVENTION, THE CHICAGO CONVENTION AND THE MONTREAL CONVENTION; TO AMEND THE HIRE-PURCHASE ACT, 1946 ; TO AMEND THE CUSTOMS-FREE AIRPORT ACTS, 1947 AND 1958; TO AMEND THE FREE PORTS ACT, 1986 ; AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.
[22nd June, 1988]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title,
collective
citation and
construction. **1.**—(1) This Act may be cited as the Air Navigation and Transport Act, 1988.

(2) The Air Navigation and Transport Acts, 1936 to 1986, and this Act may be cited as the Air Navigation and Transport Acts, 1936 to 1988.

(3) The Air Navigation and Transport Acts, 1936 to 1988, shall be construed together as one Act.

Interpretation. **2.**—(1) In this Act—

“the Act of 1946” means the Air Navigation and Transport Act, 1946 ;

“the Act of 1950” means the Air Navigation and Transport Act, 1950 ;

“the Act of 1959” means the Air Navigation and Transport Act, 1959 ;

“the Act of 1963” means the Air Navigation (Eurocontrol) Act, 1963

(as amended by the Air Navigation (Eurocontrol) Act, 1971 , and the Air Navigation (Eurocontrol) Act, 1983);

“the Act of 1965” means the Air Navigation and Transport Act, 1965 ;

“the Acts” means the Air Navigation and Transport Acts, 1936 to 1986;

“authorised person” has the meaning specified in section 18 ;

“the Minister” means the Minister for Tourism and Transport;

“the Principal Act” means the Air Navigation and Transport Act, 1936 ;

“1975 Protocols to the Warsaw Convention” means the Additional Protocols Numbers 1, 2, 3 and 4 (each of which was signed at Montreal on the 25th day of September, 1975) to amend the Warsaw Convention.

(2) A reference in this Act to a section or Schedule is, unless the context otherwise requires, a reference to a section of, or Schedule to, this Act, and a reference in this Act to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that a reference to some other provision is intended.

(3) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted by or under any subsequent enactment (including this Act).

Laying of orders and Regulations before Houses of Oireachtas. **3.**—Every order and Regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order (other than an order under *Part III*) or Regulation is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order or Regulation is laid before it, the order or Regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses. **4.**—The expenses of the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II

Provisions to promote security and safety of civil aviation and other provisions in relation to aerodromes and aircraft

Application of *Part II*. **5.**—This Part applies to aerodromes other than aerodromes under the control of the Minister for Defence.

Security and safety at aerodromes. **6.**—It shall be the duty of—

(a) every person owning or operating an aerodrome, and

(b) every person carrying on business at an aerodrome,

to comply with the requirements (including any requirements in relation to that aerodrome, or to aerodromes in general, specified by the Minister in a direction under *section 7* or in a licence or authorisation granted by him under the Acts) of public order and security and of the security and safety of the aerodrome and of the security and safety of persons and aircraft using that aerodrome.

Directions by Minister in relation to security and safety of aerodromes. **7.**—The Minister may, whenever he is satisfied that the interests of the State or of the public so require, give directions to any person who owns or operates an aerodrome as to the standards of security and safety which must be complied with in relation to that aerodrome and it shall be the duty of every such person to comply with such directions.

Duty of operator 8.—(1) It shall be the duty of every operator of an aerodrome to furnish to the Minister a report to the Minister in writing, of all measures taken by him to comply with a direction of the Minister pursuant to section 7.

(2) Without prejudice to the generality of *subsection (1)*, a report to the Minister under that subsection shall include particulars of—

- (a) the precise steps taken by the operator to implement the direction, and
- (b) any alterations to, or discontinuance of, the standards of security or safety specified in the direction which have been, or are proposed to be, made.

(3) A person who—

- (a) refuses, or without reasonable cause fails, to make a report to the Minister, or
- (b) makes, in any such report, a statement which he knows to be false in a material particular, or
- (c) recklessly makes, in any such report, a statement which is false in a material particular,

shall be guilty of an offence.

Extension of power of Minister to revoke, cancel or suspend licence or authorisation. 9.—(1) Any power conferred on the Minister under the Acts to revoke, cancel or suspend a licence or authorisation granted thereunder shall be deemed to include the power, if it appears to him that the holder of a licence or authorisation, as the case may be, cannot or will not comply with any security or safety requirements specified by the Minister in the interests of public order or security or safety in the licence or authorisation or in a direction under section 7, to—

- (a) revoke or cancel the licence or authorisation, as the case may be, or
- (b) suspend the licence or authorisation, as the case may be, until such time as the holder of the licence or authorisation has complied with any security or safety requirements so specified.

(2) Whenever the Minister exercises the power conferred on him by *subsection (1)*, the revocation or, as the case may be, suspension or cancellation, shall take effect from the date on which the Minister notifies the holder of the licence or authorisation of the revocation or, as the case may be, suspension or cancellation, or from such later date as the Minister, having regard to all the circumstances, may specify.

(3) On the commencement of this Act, the Minister shall, by notice in writing, notify the holders of all licences or authorisations granted by him and then in force of his powers under this section.

Power of Minister to prohibit landing at, or departure from, aerodrome in certain conditions.

10.—(1) Subject to *subsection (2)*, the Minister may, if he is satisfied that it is in the interests of public order or security or safety so to do, or that the licence or authorisation granted under the Acts in relation to an aerodrome is deemed to have been revoked pursuant to *section 11 (3)*, by notice in writing, prohibit the landing of aircraft at, or the departure of aircraft from, an aerodrome either from the date of the notice or from such later date as the Minister, having regard to all the circumstances, may specify in the notice.

(2) The Minister shall not exercise the power conferred on him by *subsection (1)* unless he is satisfied that the holder of the licence or authorisation granted under the Acts in relation to the aerodrome cannot or will not comply with requirements of the Minister under *section 7*, or that such licence or authorisation is deemed to have been revoked pursuant to *section 11 (3)*, as the case may be.

Obligation to effect insurance in relation to aerodromes.

11.—(1) A person shall not operate, or cause or permit any other person to operate, an aerodrome unless there is a policy of insurance in force in relation to that aerodrome.

(2) A policy of insurance shall be of no effect for the purposes of *subsection (1)* unless and until—

(a) there has been issued by the insurer to the insured a certificate in relation to the policy of insurance in such form and containing such particulars as the Minister may prescribe by Regulations under this section, and

(b) the insured has sent, or caused to be sent, to the Minister a copy of such certificate.

(3) If the policy of insurance at any time or for any reason ceases to have effect, any licence or authorisation granted under the Acts in respect of the aerodrome to which the policy of insurance relates shall thereupon be deemed to have been revoked.

(4) A licence or authorisation shall not be granted under the Acts in relation to the operation of an aerodrome in any period for which a policy of insurance is not in force in respect of that aerodrome.

(5) In this section “policy of insurance” means a policy which insures the owner or occupier, as the case may be, of an aerodrome against liability in respect of loss and damage caused to any person or property at that aerodrome and which complies with such conditions (if any) as the Minister may prescribe by Regulations under this section.

(6) This section shall come into operation on the expiry of one month after the commencement of this Act.

Possession of
certain
dangerous
articles in
aerodromes.

12.—(1) This section applies to the following articles, that is to say—

- (a) a firearm, or any article having the appearance of a firearm, whether capable of being discharged or not;
- (b) an explosive, or any article manufactured or adapted so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not;
- (c) any article marked or labelled so as to indicate that it is, or it contains, an explosive;
- (d) any article which does not fall within the meaning of *paragraph (a), (b) or (c)* and which is made or is adapted for use for causing injury to or incapacitating a person, or for damaging or destroying property, or which is intended by the person in whose possession it is for such use, whether by himself or, as the case may be, by some other person.

(2) A person shall not, without lawful authority (the proof of which shall lie on him), have in his possession in or bring or cause to be brought into—

(a) any part of an aerodrome, or

(b) any air navigation installation which does not form part of an aerodrome,

an article to which this section applies.

Directions by
Minister in
relation to
security and
safety of
aircraft.

13.—(1) The Minister may, whenever he is satisfied that the interests of the State or of the public so require, give to the operator of any aircraft (other than a State aircraft) directions as to the standards of security and safety which must be complied with—

(a) wherever the aircraft may be, if the aircraft is registered in the State, or

(b) whenever the aircraft is in, or is in flight into, or out of, or over, the State, if the aircraft is not so registered,

and it shall be the duty of every such operator to comply with such directions.

(2) A direction pursuant to *subsection (1)* may relate to a particular aircraft or to aircraft of a particular class or description.

Duty of operator of aircraft to report to Minister. **14.**—(1) It shall be the duty of every operator of an aircraft (other than a State aircraft) to furnish to the Minister a report, in such form and within such time and at such intervals as the Minister may specify in writing, of all measures taken by him to comply with a direction of the Minister pursuant to section 13.

(2) Without prejudice to the generality of *subsection (1)*, a report to the Minister under that subsection shall include particulars of—

- (a) the precise steps taken by the operator to implement the direction, and
- (b) any alterations to, or discontinuance of, the standards of security or safety specified in the direction which have been, or are proposed to be, made.

(3) A person who—

- (a) refuses, or without reasonable cause fails, to make a report to the Minister, or
- (b) makes, in any such report, a statement which he knows to be false in a material particular, or
- (c) recklessly makes, in any such report, a statement which is false in a material particular,

shall be guilty of an offence.

Extension of power of Minister to refuse or cancel registration of aircraft. **15.**—(1) Any power conferred on the Minister under the Acts to refuse or cancel the registration of an aircraft shall include the power, if it appears to him that an aircraft does not, or has ceased to, comply with any security or safety requirements specified by the Minister in a direction under section 13, to refuse or to cancel the registration of that aircraft.

(2) Whenever the Minister exercises the power conferred on him by *subsection (1)*, the cancellation of the registration of the aircraft shall take effect from the date on which the Minister notifies the operator of the aircraft of the cancellation or from such later date as the Minister, having regard to all the circumstances, may specify.

(3) On the commencement of this Act, the Minister shall notify each owner and operator of each aircraft then registered in the State of his powers under this section.

Detention or restriction of use of aircraft. **16.**—(1) The Minister may, where the interests of the State or the public so require, direct the detention or the restriction of the use in such manner as he may specify of—

- (a) any aircraft (other than a State aircraft) registered in the State, wherever that aircraft may be, or
- (b) any other aircraft in the State,

if in the opinion of the Minister such aircraft does not comply with the standards of security or safety specified by him in a direction under section 13 or that the operation of such aircraft does not comply with such provisions of section 17 as may be applicable to such aircraft.

(2) The detention, or restriction of the use, of an aircraft pursuant to *subsection (1)* shall continue for such time and be subject to such conditions as the Minister considers appropriate (having regard to all the circumstances) and specifies to the operator of the aircraft.

(3) Without prejudice to the generality of *subsection (2)*, conditions specified under that subsection may, in particular, require—

- (a) the inspection and search of the aircraft concerned or of persons or property to be taken on board the aircraft, or
- (b) the modification or alteration of the aircraft or of any apparatus or equipment installed therein, or
- (c) the installation in the aircraft of additional apparatus or equipment.

Obligation of
owners or
operators of
aircraft in
relation to
liability for loss
or damage
arising from
operation of
aircraft.

17.—(1) The Minister may by order provide that it shall not be lawful for any person to operate, or cause or permit any other person to operate, an aircraft (other than a State aircraft) in, in flight into, or out of, or over the State unless—

- (a) there is in force, in accordance with *subsection (2)*, a policy of insurance against liability arising in relation to any such operation of the aircraft, or
- (b) the owner or, as the case may be, the operator of the aircraft can prove to the satisfaction of the Minister, in accordance with *subsection (3)*, that he can provide for liability arising in relation to any such operation,
in respect of loss or damage to
 - (i) any person or property on the aircraft, or
 - (ii) any person or property on or over land or water in the State,
caused or occasioned or contributed to by the aircraft in flight, taking off or landing, or

(iii) any person or property on land or water in the State caused or occasioned or contributed to by any person, article, object or thing falling or descending from the aircraft in flight, taking off or landing.

(2) (a) A policy of insurance shall be of no effect for the purposes of *subsection (1)* unless and until—

(i) it complies with such conditions as the Minister may prescribe by Regulations under this section, and

(ii) there has been issued by the insurer to the insured a certificate in relation to the policy of insurance in such form and containing such particulars as the Minister may prescribe by Regulations under this section.

(b) The Minister may require a copy of the certificate of insurance required under *paragraph (a)* to be produced to him.

(3) Where there is not in force a policy of insurance in accordance with *subsection (2)*, the ability or otherwise of the owner or, as the case may be, the operator of the aircraft to provide for any liability specified in *subsection (1)* shall be determined by reference to such criteria as the Minister may prescribe by Regulations under this section.

(4) Without prejudice to the generality of *subsections (2) and (3)*, Regulations under this section may prescribe different forms or different particulars or different conditions or different criteria in relation to different classes of aircraft or in relation to the same class of aircraft in different circumstances.

(5) Regulations under this section may contain such incidental, supplementary and consequential provisions as the Minister may consider necessary or desirable for giving effect to this section.

Inspection of
aerodromes,
aircraft, etc., for
purposes of this
Part.

18.—(1) An authorised person shall, for the purpose of enabling the Minister to—

(a) ascertain whether any security or safety standards specified by him in relation to an aerodrome or an aircraft are being, or have been, complied with, and

(b) determine whether to give a direction under this Part to any person, and

(c) ascertain whether any direction under this Part is being, or has been, complied with,

have power to do all or any of the following things:—

(i) enter any aerodrome and inspect the aerodrome and any apparatus, equipment or other thing therein;

- (ii) enter any aircraft at any aerodrome and inspect any apparatus, equipment or other thing therein or thereon;
- (iii) require the operator of the aerodrome or, as the case may be, of the aircraft concerned to furnish within such time as the authorised person may specify such information as he considers necessary for the purposes of the inspection referred to in *paragraph (i) or (ii)*;
- (iv) restrict the operation of the aerodrome, or detain any aircraft, during such time as is required for the exercise of his powers under this section.

(2) Any person who—

- (a) obstructs or impedes an authorised person in the exercise of his powers under this section, or
- (b) assaults an authorised person in the exercise of his powers under this section, or
- (c) refuses, or without reasonable excuse fails, to furnish to an authorised person information which he requires for the exercise of his powers, or
- (d) makes a statement to an authorised person which he knows to be false in a material particular, or
- (e) recklessly makes a statement to an authorised person which is false in a material particular,

shall be guilty of an offence.

(3) In this section “authorised person” means—

- (a) any person, or any person belonging to a class of persons, authorised in writing by the Minister to exercise the powers conferred on an authorised person under this section, or
- (b) a member of the Garda Síochána.

(4) The powers conferred by this section on an authorised person to enter an aircraft shall not be exercisable by such authorised person in relation to any aircraft which is a State aircraft.

Possession of
certain
dangerous
articles in
aircraft.

19.—(1) This section applies to the following articles, that is to say—

- (a) a firearm, or any article having the appearance of a firearm, whether capable of being discharged or not;

(b) an explosive, or any article manufactured or adapted so as to have the appearance of being an explosive, whether it is capable of producing a practical effect by explosion or not;

(c) any article marked or labelled so as to indicate that it is, or it contains, an explosive;

(d) any article which does not fall within the meaning of *paragraph (a), (b) or (c)* and which is made or is adapted for use for causing injury to or incapacitating a person, or for damaging or destroying property, or which is intended by the person in whose possession it is for such use, whether by himself or, as the case may be, by some other person.

(2) A person shall not, without lawful authority (the proof of which shall lie on him), have in his possession in or bring or cause to be brought into—

(a) any aircraft registered in the State, wherever that aircraft may be, or

(b) any other aircraft when it is in, or in flight over, the State,

an article to which this section applies.

Indemnity against proceedings. **20.**—Notwithstanding anything contained in any contract, a person shall not be liable in any action for damages in the State in respect of anything done or not done by such person, or by some other person on his behalf, if such thing is done or, as the case may be, not done, in compliance with a direction of the Minister under this Part.

Hearing of proceedings in relation to exercise by Minister of power under this Part. **21.**—In any proceedings which relate to the exercise by the Minister of any power conferred on him by this Part, the Court may, on the application of the Minister, if it is satisfied that it is in the interests of public order or security so to do, order that the whole of the proceedings, or such part thereof as the Court considers appropriate, be heard otherwise than in public.

Control of aircraft, aerodromes, etc., by Minister for duration of emergency. **22.**—The Minister may, in the interests of the State or of the public, during any emergency, give directions as to the use, or possession, of—

(a) any aircraft or aerodrome, or

(b) any facilities at an aerodrome,

and every direction given by the Minister under this section shall—

(i) continue in force until the expiration of the period specified therein or the Minister declares that the emergency to which the direction relates has ceased, whichever is the sooner, and

(ii) be complied with by the person to whom it is directed.

Restriction on dumping near aerodromes. **23.**—(1) The Minister, after consultation with the Minister for the Environment, may, if, in his opinion, it is in the interests of ensuring the safety of aircraft or the safe and efficient navigation thereof, by order prohibit or regulate the use of any land, which is situate in the vicinity of an aerodrome or which lies under an airpath, as a refuse tip or for any other purpose which is likely to attract a large number of birds into the area.

(2) Without prejudice to the generality of *subsection (1)*, an order under this section may, in particular, require the immediate closure or modification of any refuse tip which, in the opinion of the Minister,—

(a) is a danger to aircraft so long as it remains open, or

(b) is managed in an inefficient or dangerous manner,

and may provide that such categories of refuse as may be specified in the order shall not be dumped in the tip.

(3) The Minister, after consultation with the Minister for the Environment, may revoke or amend an order under this section.

Amendment of section 60 of Principal Act. **24.**—Section 60 (which relates to the investigation of accidents) of the Principal Act is hereby amended by the insertion after subsection (1) of the following subsection:

“(1A) In this section ‘accident’ includes any event or circumstance likely to threaten the safety of an aircraft or any person.”.

Amendment of section 15 of Act of 1950. **25.**—Section 15 (which relates to definitions for the purposes of Part V of that Act) of the Act of 1950 is hereby amended by the substitution in subsection (1) for—

(a) the definition of “authorised officer” of the following definition:

“the expression ‘authorised officer’ means a person being—

(a) a member of the Garda Síochána, or

(b) any person, or any person belonging to a class of persons, authorised in writing by the Minister to exercise the powers conferred on authorised officers by section 20 of this Act;”,

and

(b) the definition of “State aerodrome” of the following definition:

“the expression ‘State aerodrome’ means, as the case may require, Cork Airport, Dublin Airport or Shannon Airport.”.

Amendment of section 16 of Act of 1950. **26.**—Section 16 (which relates to bye-laws in relation to State aerodromes) of the Act of 1950 is hereby amended—

(a) by the insertion in subsection (3) after paragraph (d) of the following paragraphs:

“(e) fixing of an immobilisation device to any vehicle which has been unlawfully parked in any place while the vehicle is in that place or is in any other place to which it has been moved in accordance with the bye-laws,

(f) removing, storing and disposal of vehicles unlawfully parked in any place.”,

and

(b) by the insertion after subsection (7) of the following subsection:

“(8) Every bye-law made under this section on or after the commencement of the *Air Navigation and Transport Act, 1988*, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the bye-law is passed by either such House within the next subsequent twenty-one days on which that House has sat after the bye-law is laid before it, the bye-law shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

Extension of sections 16 to 20 of Act of 1950 to non-State aerodromes. **27.**—Sections 16 to 20 of the Act of 1950 (as amended by this Act) shall apply to all aerodromes in the State whether such aerodromes are State aerodromes within the meaning of section 15 of that Act (as amended by this Act) or not and references in those sections to a “State aerodrome” shall be construed accordingly.

Increase in penalties for certain offences. **28.**—(1) A person who is guilty of an offence under—

(a) section 5 (4), 39 (2), 56 (1), 60 (4) or 66 (3) of the Principal Act, or

(b) section 13 (3) of the Act of 1946, or

(c) section 13 (as amended by this Act) of the Customs-free Airport Act, 1947 , or

(d) section 13 (1), 13 (2), 14 (7), 16 (6), 17 (2) or 21 of the Act of 1950, or

(e) section 15 of the Air Navigation and Transport Act, 1973 , or

(f) section 4 (7) of the Air Navigation and Transport Act, 1975 ,

shall, in lieu of the penalty prescribed by the section concerned, be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

(2) A person who is guilty of an offence under Article 24 of the Air Navigation (Aerodromes and Visual Ground Aids) Order, 1970 (S.I. No. 291 of 1970), shall, in lieu of the penalty prescribed by that Article, be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

(3) A person who is guilty of an offence under Regulation 9 of the European Communities (Restriction of Aeroplane Operations) Regulations, 1984 (S.I. No. 14 of 1984), shall, in lieu of the penalty prescribed by that Regulation, be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

(4) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence to which *subsection (1), (2) or (3)* relates as if, in lieu of the penalties provided for in subsection (3) of that section, there were specified the penalties provided for in *subsections (1), (2) and (3)*, and the reference in subsection (2) (a) of that section to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(5) Where an offence to which *subsection (1), (2) or (3)* relates is 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 person (or any person acting on his behalf) being a director, manager or secretary of such body, that person or the person so acting, as the case may be, shall also be guilty of the offence.

(6) A summary prosecution for an offence under any enactment referred to in *subsection (1), (2) or (3)* may be brought by the Minister.

Offences and penalties (Parts 32 shall be guilty of an offence and shall be liable—
II, IV and V).

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

(2) A person who is convicted of an offence under section 8, 14, 18, 33, 41, 42 or 43 shall be liable—

(a) on summary conviction, to a fine not exceeding £1,000, or to imprisonment for a term not exceeding six months, or, at the discretion of the Court, to both such fine and such imprisonment, or

(b) on conviction on indictment, to a fine not exceeding £50,000, or to imprisonment for a term not exceeding three years, or, at the discretion of the Court, to both such fine and such imprisonment.

(3) Section 13 of the Criminal Procedure Act, 1967, shall apply in relation to an offence specified in *subsection (1) or (2)* as if, in lieu of the penalties provided for in subsection (3) of that section, there were specified the penalties provided for in *subsections (1) and (2)*, and the reference in subsection (2) (a) of that section to the penalties provided for in the said subsection (3) shall be construed and have effect accordingly.

(4) Where an offence specified in *subsection (1) or (2)* is 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 person (or any person acting on his behalf) being a director, manager or secretary of such body, that person or the person so acting, as the case may be, shall also be guilty of the offence.

(5) A summary prosecution for an offence specified in *subsection (1) or (2)* may be brought by the Minister.

Exchequer
grants or other
payments in
relation to
construction,
etc., of
aerodromes in
State.

30.—(1) The Minister, with the consent of the Minister for Finance, may attach to any grant or other payment made out of moneys provided by the Oireachtas in relation to the construction of an aerodrome such terms and conditions as to repayment or otherwise as he thinks reasonable and proper.

(2) Whenever there is a contravention of a term or condition attached to any grant or other payment to which *subsection (1)* refers, the amount outstanding on foot of the grant or payment, as the case may be, shall thereupon, notwithstanding any term or condition relating to repayment attached thereto, be repayable to the Minister for the benefit of the Exchequer and, in default of such repayment, the amount outstanding may be recovered by the Minister as a simple contract debt in any court of competent jurisdiction.

Amendment of section 8 of Act of 1950. **31.**—Section 8 (which relates to entry on land, etc., compulsorily acquired under the Principal Act before conveyance or ascertainment of compensation) of the Act of 1950 is hereby amended by the substitution for paragraph (a) of subsection (3) of the following paragraph:

“(a) subject to paragraph (b) of this subsection, the Minister shall pay to the person, who is the occupier of that land or the owner of that water right, interest on the amount of the compensation payable to such person at such rate as the Minister for Finance may, from time to time, determine from the date on which such power was exercised until payment of such compensation,”.

Detention and sale of aircraft for unpaid aerodrome charges. **32.**—(1) Where default is made in the payment of aerodrome charges incurred in respect of any aircraft, the Minister or the aerodrome authority concerned, as the case may be, may, subject to the provisions of this section—

(a) detain, pending payment of such charges, either—

(i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention commences), or

(ii) any other aircraft of which the person in default is the operator at the time when the detention commences, and

(b) if the charges are not paid within 56 days of the date when the detention commences, sell the aircraft in order to satisfy the charges.

(2) The Minister or the aerodrome authority concerned, as the case may be, shall not detain, or continue to detain, an aircraft under this section by reason of any alleged default in the payment of aerodrome charges if the operator of the aircraft or any other person claiming an interest therein—

(a) disputes that the charges, or any of them, are due, or

(b) if the aircraft is detained under *subsection (1) (a) (i)*, disputes that the charges in question were incurred in respect of that aircraft,

and the operator of the aircraft or any such other person, gives to the Minister or the aerodrome authority, as the case may be, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.

(3) The Minister or the aerodrome authority concerned, as the case may be, shall not sell an aircraft under this section without the leave of the Court and the Court shall not give such leave unless it is established that—

(a) a sum is due to the Minister or to such aerodrome authority, as the case may be, for aerodrome charges,

(b) default has been made in the payment thereof, and

(c) the aircraft which the Minister or such aerodrome authority, as the case may be, seeks leave to sell is liable to sale under this section by reason of such default.

(4) The Minister or the aerodrome authority, as the case may be, proposing to apply for leave to sell an aircraft under this section shall take such steps as may be practicable for—

(a) bringing the proposed application to the notice of persons whose interests may be affected by the determination of the Court thereon, and

(b) affording to any such person an opportunity of becoming a party to the proceedings on the application,

and, if leave to sell the aircraft is granted by the Court, the Minister or the aerodrome authority, as the case may be, shall secure that the aircraft is sold for the best price that can reasonably be obtained.

(5) Failure by the Minister or the aerodrome authority concerned to comply with any requirement of *subsection (4)* in respect of any sale, while actionable as against the Minister or such aerodrome authority concerned at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning the validity of such sale.

(6) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say—

(a) in payment of any duty (whether of customs or excise) or value-added tax chargeable on imported goods or on the aircraft itself which is due as a consequence of the aircraft's having been brought into the State;

(b) in payment of the expenses incurred by the Minister or the aerodrome authority concerned, as the case may be, in detaining, keeping and selling the aircraft (including the expenses in connection with any application to the Court under *subsection (3)*);

(c) in payment of the aerodrome charges which the Court has found to be due; and the surplus, if any, of such proceeds shall be paid to, or among, the person or persons whose interests in the aircraft have been divested by reason of the sale.

(7) The power of detention and sale conferred by this section in respect of an aircraft shall extend to the equipment of the aircraft and any stores for use in connection with the operation of the aircraft (being equipment and stores carried in the aircraft) whether or not such equipment or stores are the property of the person who is the operator of the aircraft, and references to the aircraft in *subsections (2) to (6)* include, except where the context otherwise requires, references to any such equipment and stores.

(8) The power of detention conferred by this section in respect of an aircraft shall extend to any aircraft documents carried in the aircraft, and any such documents may, if the aircraft is sold under this section, be transferred by the Minister or the aerodrome authority concerned, as the case may be, to the purchaser of the aircraft.

(9) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred, or on any subsequent occasion, when the aircraft is on the aerodrome on which those charges were incurred, or on any other aerodrome owned or managed by the Minister or the aerodrome authority concerned, as the case may be.

(10) Nothing in this section shall prejudice any right of the Minister or an aerodrome authority to recover any charges, or any part thereof, by action.

(11) In this section—

“aerodrome authority”, in relation to any aerodrome, means the person owning or managing it;

“aerodrome charges” means charges payable to the Minister or an aerodrome authority for the use of, or for services provided at, an aerodrome and includes, in relation to the Minister, charges payable for air navigation services by virtue of Regulations under section 12 of the Act of 1963;

“aircraft documents”, in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document and includes any record required to be made by virtue of Regulations under section 12 of the Act of 1963.

Powers of
authorised
officers at
aerodromes.

33.—(1) An authorised officer, in the interest of the proper operation, or the security or safety, of an aerodrome, or the security or safety of persons, aircraft or other property thereon, may do all or any of the following things—

- (a) stop, detain for such time as is reasonably necessary for the exercise of any of his powers under this section, and search any person or vehicle on an aerodrome;
- (b) require any person on an aerodrome to—
 - (i) give his name and address and to produce other evidence of his identity;
 - (ii) state the purpose of his being on the aerodrome;
 - (iii) account for any baggage or other property which may be in his possession;
- (c) order any person
 - (i) who refuses to give his name or address, or to produce other evidence of his identity, or
 - (ii) who refuses to state the purpose of his being on the aerodrome, or

- (iii) who refuses to account for any baggage or other property in his possession, or
 - (iv) who gives a name or address or states a purpose of his being on the aerodrome which is known, or is reasonably suspected, by the authorised officer to be false or fictitious, or
 - (v) whom he knows not to have, or whom he reasonably suspects of not having, a lawful reason for being on the aerodrome,
- to leave the aerodrome, or any part thereof, or he may remove such person from the aerodrome, or any part thereof, or he may arrest that person without warrant,
- (d) arrest without warrant any person—
- (i) who assaults, or whom he reasonably suspects to have assaulted, another person on an aerodrome, or
 - (ii) whom he knows to have, or whom he reasonably suspects of having contravened section 12 or 19, or
 - (iii) whom he knows to have, or reasonably suspects of having, a stolen article in his possession.

(2) Where an authorised officer, who is not a member of the Garda Síochána, arrests a person under this section, he shall, forthwith, deliver such person into the custody of a member of the Garda Síochána to be dealt with in accordance with law.

(3) Where an authorised officer arrests a person pursuant to the powers conferred on him by *subsection (1) (d) (iii)*, he may retain in his possession any article which he knows to have been, or reasonably suspects of having been, stolen until it has been established whether or not the article was stolen.

(4) A person who was ordered by an authorised officer to leave an aerodrome or part of an aerodrome, or who was removed from an aerodrome or part of an aerodrome by an authorised officer, shall not, on the same day, without the permission of an authorised officer, return to the aerodrome or the part of the aerodrome which he was ordered to leave, or from which he was removed, as the case may be.

(5) Any person who obstructs or impedes an authorised officer in the exercise of any of the powers conferred on him by this section, or who fails to comply with any lawful requirement of an authorised officer under this section, shall be guilty of an offence.

(6) In this section, “authorised officer” has the same meaning as in section 15 of the Act of 1950 (as amended by this Act).

PART III

Provisions in relation to the 1975 Protocols to the Warsaw Convention

Commencement of Part III. **34.**—This Part and the First Schedule shall come into operation on such day or days as the Government may appoint by order and different days may be appointed, as circumstances may require, in relation to each of the 1975 Protocols to the Warsaw Convention.

Application of Part III. **35.**—(1) This Part shall apply only in respect of states which are parties to the 1975 Protocols to the Warsaw Convention.

(2) Where a state is a party to one or more of the 1975 Protocols to the Warsaw Convention but is not a party to all of those Protocols, this Part shall apply to that state only in relation to the Protocol or Protocols to which that state is a party.

1975 Protocols to the Warsaw Convention to have the force of law in the State. **36.**—(1) The 1975 Protocols to the Warsaw Convention (as set out, respectively, in Parts I , II , III and IV of the First Schedule) shall have the force of law in the State and section 18 (as amended by the Act of 1965 and this Act) of, and the First Schedule (as amended by the Act of 1959) to, the Principal Act shall have effect accordingly.

(2) The Minister, after consultation with the Minister for Foreign Affairs, may by order from time to time certify the states that are parties to the 1975 Protocols to the Warsaw Convention or, as the case may be, to any of those Protocols, or may certify in respect of which of their territories such states are parties, and to what extent such states have availed themselves of the right of reservation provided for in Article X of the Protocol set out in Part II of the First Schedule or in Article XI of the Protocol set out in Part III of that Schedule or in Article XXI of the Protocol set out in Part IV of that Schedule.

(3) Any sum in Special Drawing Rights mentioned in Article 22 of the First Schedule (as amended by the Act of 1959) to the Principal Act, as amended by Article II of the Protocol set out in Part I of the First Schedule , or by Article II of the Protocol set out in Part II of that Schedule, or by Article II or III of the Protocol set out in Part III of that Schedule or by Article VII of the Protocol set out in Part IV of that Schedule, as the case may be, shall, for the purposes of an action against the carrier, be converted into the currency of the State on the day on which the amount of any damages to be paid by the carrier is ascertained by the Court and—

(a) for the purpose of converting such an amount from Special Drawing Rights into the currency of the State one Special Drawing Right shall be treated as equal to such a sum in the currency of the State as the International Monetary Fund have fixed as being the equivalent of one Special Drawing Right for—

(i) that day, or

(ii) if no sum has been so fixed for that day, the last day before that day for which a sum has been so fixed;

(b) a certificate given by or on behalf of the Central Bank stating that—

- (i) a particular sum in the currency of the State has been so fixed for the day on which the damages were ascertained by the Court, or
- (ii) no sum has been so fixed for that day and that a particular sum in the currency of the State has been so fixed for a day which is the last day for which a sum had been so fixed before the day on which the damages were ascertained by the Court,

shall be evidence until the contrary is proved of those matters for the purposes of this section;

- (c) a document purporting to be such a certificate shall, in any proceedings, be received in evidence and, unless the contrary is proved, be deemed to be such a certificate.

Consequential **37.**—(1) References in section 20 (as amended by the Act of 1959 and by the Act of 1965) amendments to of the Principal Act to the First Schedule (as amended by the Act of 1959) to that Act shall Principal Act and be construed as references, as the case may require, to that Schedule as further amended Act of 1965. by the Protocols set out in Parts I, II, III and IV, respectively, of the First Schedule.

(2) References in section 3 of, and the Schedule to, the Act of 1965 to the Warsaw Convention shall be construed as references, as the case may require, to that Convention as amended by the Protocols set out in Parts I, II, III and IV, respectively, of the First Schedule.

PART IV

Provisions in relation to the 1984 Protocol to the Chicago Convention

Required **38.**—(1) Subject to *subsections (2) and (3)*, the power to make orders for carrying out the landing or Chicago Convention conferred on the Minister by sections 9, 10 and 11 of the Act of 1946 interception of shall be deemed to include a power by order to— certain aircraft.

- (a) require the landing at such aerodrome as may be specified in the order, or
- (b) provide for the interception in accordance with the terms of the order of any aircraft—

- (i) which is flying, or attempting to fly, without authority over the State, or

- (ii) in relation to which there are reasonable grounds for believing that it is being used for any purpose inconsistent with the Chicago Convention,

and any such order may specify such other requirements as may appear to the Minister to be necessary to ensure that any aircraft concerned complies with the Chicago Convention.

(2) The additional powers conferred on the Minister by *subsection (1)* shall not include the power to authorise the use of weapons against an aircraft in flight:

Provided always that nothing in this subsection shall operate to prejudice the inherent right of self-defence as set forth in the Charter of the United Nations.

(3) In the landing or interception of an aircraft pursuant to an order made in exercise of the additional powers conferred on the Minister by *subsection (1)*, the lives of persons on board the aircraft concerned and the safety of other aircraft and the persons on board that aircraft shall not be endangered:

Provided always that nothing in this subsection shall prejudice the inherent right of self-defence as set forth in the Charter of the United Nations.

Amendment of section 12 of Act of 1946. **39.—**(1) Section 12 of the Act of 1946 is hereby amended by—

(a) the substitution for paragraphs (a) and (b) of the following paragraphs:

“(a) it shall be lawful for a commissioned officer of the Defence Forces of the State to cause to be given such signal as may be prescribed by such order, and

(b) if, after such signal has been given, the aircraft fails to respond to the signal by complying with provisions of the order prescribing the action to be taken on such signal being given, it shall be lawful for such officer to intercept the aircraft and, subject to *section 38 (2) and (3) of the Air Navigation and Transport Act, 1988*, to use any and every other means at his disposal to compel compliance with the signal;”,

and

(b) the insertion of the following paragraph after paragraph (c):

“(d) every person who obstructs or impedes a commissioned officer of the Defence Forces of the State, or any other person acting in aid of or under the direction of such officer, in the exercise or performance of any of the powers or duties conferred on him by this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000, or to imprisonment for any term not exceeding twelve months, or, at the discretion of the Court, to both such fine and such imprisonment.”.

(2) Notwithstanding anything in section 12 of the Act of 1946, it shall be lawful for a commissioned officer of the Defence Forces of the State to cause to be given such signal as is prescribed in any order made under that section and in force on the commencement of this section and such orders shall apply accordingly.

Compliance with order. **40.—**(1) The pilot or commander of every aircraft registered in the State and of every required landing aircraft operated by a person, whose principal place of business is in the State or who is permanently resident in the State, shall, wherever the aircraft may be, comply with a requirement in an order made by the Minister, in exercise of the additional powers conferred on him by section 38, to land the aircraft.

(2) Every person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on conviction thereof to the penalties specified in section 13 (as amended by this Act) of the Act of 1946, as if the offence were a contravention of that section.

PART V

Miscellaneous

Detention of aircraft. **41.—**(1) The Minister may direct the detention of any aircraft (other than a State aircraft) subject to such conditions, and for such time, as he may specify for the purpose of securing compliance with—

- (a) any provision of the Principal Act, or any instrument made thereunder;
- (b) the Chicago Convention, or any order made under Part II of the Act of 1946 (as amended by this Act), or any regulation made or direction given under any such order;
- (c) the provisions of the Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on the 13th day of December, 1960, or with any instrument made under the Act of 1963; or
- (d) any provision of the Act of 1965, or any instrument made or direction given under that Act.

(2) (a) Where the Minister has, pursuant to *subsection (1)*, directed the detention of an aircraft, an authorised officer may detain such aircraft and, in any such case, shall, as soon as may be practicable, notify the appropriate air traffic services authority and, where the authorised officer is not an officer of customs and excise, he shall, as soon as may be practicable, notify the appropriate officer of customs and excise.

(b) For the purpose of exercising his functions under this subsection, an authorised officer shall have power to enter any aerodrome, and to enter and inspect any aircraft he finds thereon.

(3) If an aircraft, after service on the pilot in command of any notice or order for the detention of the aircraft, or whilst it is detained pursuant to a direction of the Minister under *subsection (1)*, take-off, or attempts to take-off, without the prior permission of an authorised officer, the following provisions shall have effect, that is to say:—

- (a) the pilot in command and also the owner or operator (where such person is not the owner) of the aircraft, and any person who causes the aircraft to take-off, or to attempt to take-off, shall each be guilty of an offence;

(b) if such aircraft, when so taking-off, has on board in the execution of his duty an authorised officer, the pilot in command, and also the owner or operator (if such person is not the owner), of such aircraft shall each be guilty of an offence, and shall also be liable to pay to the Minister all expenses of and incidental to such officer being so taken on such aircraft.

(4) Where a person charged with an offence under this section is not the pilot in command of the aircraft in respect of which such offence is alleged to have been committed, it shall be a good defence for such person to prove that, on the occasion on which such offence is alleged to have been committed, he was not a party or privy to the taking-off or attempted taking-off of such aircraft.

(5) Any expenses payable to the Minister under *subsection (3) (b)* may be recovered by him as a simple contract debt in a court of competent jurisdiction.

(6) Each of the following shall be an authorised officer for the purposes of this section, that is to say:—

(a) a commissioned officer of the Defence Forces of the State;

(b) an officer of the Minister;

(c) an officer of customs and excise;

(d) any person authorised by the Minister in that behalf.

(7) Where, pursuant to *subsection (1)*, an aircraft is to be detained, an officer of customs and excise shall, and where, pursuant to that subsection, an aircraft may be detained, may, refuse to clear that aircraft outwards or to grant a transire to such aircraft.

(8) Air traffic services shall not be provided for any aircraft for the purpose of contravening a direction for the detention of that aircraft pursuant to *subsection (1)*.

(9) In this section, “air traffic services” includes the following services, that is to say, flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service and aerodrome control service.

(10) *Subsections (2) (a) and (3) to (9)* shall also apply to any aircraft detained under *section 16, 18 or 32*.

Impersonation
of authorised
officer or
authorised
person.

42.—Any person who falsely represents himself to be an authorised officer or an authorised person shall be guilty of an offence.

False alarms.

43.—Every person who knowingly gives, or causes to be given, a false alarm which interferes with the operation of any aircraft, aerodrome or air navigation installation shall be guilty of an offence.

Transfer to
Minister of
powers of
Government
under certain
Acts.

44.—(1) The powers conferred on the Government by—

(a) section 17 (which relates to the Warsaw Convention having the force of law in Saorstát Éireann) of the Principal Act, or

(b) section 7 (which relates to the 1955 Protocol to the Warsaw Convention having the force of law in the State) of the Act of 1959, or

(c) section 2 (which relates to the Guadalajara Convention having the force of law in the State) of the Act of 1965,

are hereby transferred to the Minister.

(2) Before exercising any of the powers referred to in *subsection (1)*, the Minister shall consult with the Minister for Foreign Affairs.

Transfer of
certain
functions to
Minister.

45.—(1) The functions under the Customs-free Airport Act, 1947 , which are vested in the Minister for Communications under or by virtue of the Ministers and Secretaries (Amendment) Act, 1983 , are hereby transferred to the Minister and the said Customs-free Airport Act, 1947 , shall be construed and have effect accordingly.

(2) The functions under the Free Ports Act, 1986 , in relation to the establishment, management and control of a free port at or adjacent to an aerodrome and the licensing of persons to carry on any trade, business or manufacture within any such free port which are vested in the Minister for the Marine under or by virtue of the Communications (Transfer of Departmental Administration and Ministerial Functions) Order, 1987 (S.I. No. 91 of 1987), are hereby transferred to the Minister and the said Free Ports Act, 1986 , shall be construed and have effect accordingly.

(3) The administration and business in connection with the performance of any functions transferred by *subsection (1)* or *(2)* are hereby transferred to the Department of Tourism and Transport.

(4) (a) References to the Minister for Communications or the Department of Communications in any statute or statutory instrument shall, in so far as it relates to any function transferred by *subsection (1)*, be construed as references to the Minister or the Department of Tourism and Transport as the case may require.

(b) References to the Minister for the Marine or the Department of the Marine in any statute or statutory instrument shall, in so far as it relates to any function transferred by *subsection (2)*, be construed as references to the Minister or the Department of Tourism and Transport as the case may require.

(5) In this section—

“functions” includes powers, duties and obligations and reference to the performance of a function includes, as respects powers, duties and obligations, reference to the exercise of the powers and the carrying out of the duties and obligations;

“statutory instrument” has the meaning assigned to it by the Interpretation Act, 1937 .

Amendment of section 18 of Principal Act. **46.**—Section 18 (inserted by the Act of 1965) of the Principal Act is hereby amended by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) In deducing any relationship for the purposes of this section—

(i) the relationship between every person and his father and mother shall be determined in accordance with section 3 of the Status of Children Act, 1987 , and all other relationships shall be determined accordingly;

(ii) a person *in loco parentis* to another shall be considered the parent of that other.”.

Amendment of sections 55 and 56 (4) of Principal Act. **47.**—(1) The Principal Act is hereby amended by the substitution for section 55 (which relates to the restrictions on actions for damages in respect of damages for trespass or nuisance by aircraft) of the following section:

“55. An action shall not lie in respect of trespass or in respect of nuisance by reason only of the flight of aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of the flight, so long as the provisions of any order made under Part II of the Air Navigation and Transport Act, 1946 , to give effect to, or to supplement, the Chicago Convention have been duly complied with.”.

(2) Section 56 (which relates to the penalty for dangerous flying) of the Principal Act is hereby amended by the substitution for subsection (4) of the following subsection:

“(4) The provisions of this section shall be in addition to and not in derogation of any order made under Part II of the Air Navigation and Transport Act, 1946 , to give effect to, or to supplement, the Chicago Convention.”.

Amendment of section 2 of Hire-Purchase Act, 1946. **48.**— Section 2 of the Hire-Purchase Act, 1946 (which relates to the application of the Act) is hereby amended by—

(a) the insertion in paragraph (b) after “members,” of “or”, and

(b) the insertion after paragraph (b) of the following paragraph:

“(c) an agreement relating to aircraft or spare parts for aircraft,”.

Amendment of Customs-free Airport Act, 1947. **49.**—The Customs-free Airport Act, 1947 , is hereby amended by the substitution for section 13 (as amended by the Customs-free Airport (Amendment) Act, 1958) of the following section:

“13. (1) The Minister may, with the consent of the Minister for Finance, make Regulations for the management and control of the airport:

Provided that the power of the Minister to make Regulations under this section shall not extend to the making of Regulations permitting the carrying on of any trade, business or manufacture within the airport.

(2) A Minister of the Government, other than the Minister or the Minister for Finance, may, with the consent of the Minister and the Minister for Finance, make Regulations extending, with or without modifications, to the airport any law for the time being in force which is administered by the Minister making the Regulation and which, but for section 4 of this Act, would apply to the airport.

(3) A person who contravenes any Regulation under this section shall be guilty of an offence.”.

Amendment of section 7 of Act of 1965. **50.**—Section 7 (which relates to the power to authorise by order the operation of air services) of the Act of 1965 is hereby amended by the insertion after subsection (5) of the following subsection:

“(6) (a) The Minister, with the consent of the Minister for Finance, may, in any order under this section, provide for the payment of fees on the grant of an authorisation to operate an air service under this section and, with the consent aforesaid, prescribe the amount of the fees (including different amounts in respect of authorisations in relation to different categories of air services and in relation to air services previously the subject of authorisations under this section).

(b) All fees received under this subsection shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance directs.

(c) The Public Offices Fees Act, 1879, shall not apply to any fees payable under this subsection.”.

Amendment of sections 3 and 5 of Air Navigation and Transport Act, 1975. **51.**—The Air Navigation and Transport Act, 1975 , is hereby amended by—

(a) the substitution of the following subsection for subsection (1) of section 3:

“(1) A person shall be guilty of an offence if anywhere he unlawfully and intentionally—

- (a) commits on board an aircraft in flight any act of violence which is likely to endanger the safety of the aircraft,
 - (b) destroys an aircraft in service or so damages it as to render it incapable of flight or to endanger its safety in flight,
 - (c) places or causes to be placed on an aircraft in service any device or substance which is likely to destroy the aircraft or so damage it as to render it incapable of flight or to endanger its safety in flight,
 - (d) destroys, damages or interferes with the operation of any air navigation facility if such act is likely to endanger the safety of aircraft in flight,
 - (e) communicates any information which he knows to be false where the communication of the information endangers, or is likely to endanger, the safety of an aircraft in flight,
 - (f) (i) performs an act of violence against a person
 - (I) at an aerodrome in the State (other than an aerodrome under the control of the Minister for Defence), or
 - (II) at an aerodrome outside the State serving international civil aviation,
 which causes or is likely to cause serious injury or death, or
 - (ii) destroys or seriously damages the facilities or disrupts the services of any aerodrome referred to in subparagraph (i) of this paragraph (other than an aerodrome under the control of the Minister for Defence) or destroys or seriously damages any aircraft not in service located on that aerodrome,
- if such an act endangers or is likely to endanger safety at that aerodrome.”,

and

(b) the substitution of the following section for section 5:

“Application of the Extradition Act, 1965, to persons arrested under this Act.

5.—(1) Any person arrested under section 4 (1) of this Act shall—

- (a) if the aircraft concerned is registered in a state to which Part II of the Act of 1965 applies, or if the aerodrome concerned is in a state to which that Part of that Act applies, and (in the case of a citizen of Ireland) the extradition of the person is not prohibited by section 14 of that Act, be deemed to have been arrested pursuant to a warrant issued under section 27 of that Act, and

(b) if the aircraft concerned is registered in a place to which Part III of that Act applies, or if the aerodrome concerned is in a place to which that Part of that Act applies, be deemed to have been arrested pursuant to a warrant issued under section 49 of that Act.

(2) Section 15 of the Act of 1965 shall not apply in relation to the extradition of a person to whom subsection (1) of this section applies.”.

Amendment of
section 3 of Air
Transport Act,
1986.

52.—The Air Transport Act, 1986, is hereby amended by—

(a) the substitution in section 3 (2) for “twenty-one days” of “fourteen days or such lesser period as the Minister may prescribe by order under this subsection”,
and

(b) the insertion in section 3 after subsection (2) of the following subsections:

“(2A) The Minister may by order amend or revoke an order made under subsection (2) of this section.

(2B) Every order made by the Minister under subsection (2) or (2A) of this section shall be published in *Iris Oifigiúil* and shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.

Repeals.

53.—The enactments mentioned in the Second Schedule are hereby repealed to the extent specified in the third column.

FIRST SCHEDULE

1975 Protocols to the Warsaw Convention

Section 34.

PART I

MONTREAL ADDITIONAL PROTOCOL NO. 1, 1975

Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929.

The Governments Undersigned

Considering that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October 1929,

Have Agreed as follows:

Chapter I Amendments to the Convention

Article I

The Convention which the provisions of the present Chapter modify is the Warsaw Convention, 1929.

Article II

Article 22 of the Convention shall be deleted and replaced by the following:

"Article 22

1. In the carriage of passengers the liability of the carrier for each passenger is limited to the sum of 8,300 Special Drawing Rights. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodic payments, the equivalent capital value of the said payments shall not exceed this limit. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of 17 Special Drawing Rights per kilogramme, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the consignor's actual interest in delivery at destination.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 332 Special Drawing Rights per passenger.

4. The sums mentioned in terms of the Special Drawing Right in this Article shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the Special Drawing Right at the date of the judgment. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is a Member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund, in effect at the date of the judgment, for its operations and transactions. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is not a Member of the International Monetary Fund, shall be calculated in a manner determined by that High Contracting Party.

Nevertheless, those States which are not Members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraphs 1, 2 and 3 of Article 22 may at the time of ratification or accession or at any time thereafter declare that the limit of liability of the carrier in judicial proceedings in their territories is fixed at a sum of 125,000 monetary units per passenger with respect to paragraph 1 of Article 22; 250 monetary units per kilogramme with respect to paragraph 2 of Article 22; and 5,000 monetary units per passenger with respect to paragraph 3 of Article 22. This monetary unit corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into the national currency concerned in round figures. The conversion of these sums into national currency shall be made according to the law of the State concerned."

Chapter II Scope of Application of the Convention as Amended

Article III

The Warsaw Convention as amended by this Protocol shall apply to international carriage as defined in Article 1 of the Convention provided that the place of departure and destination referred to in that Article are situated either in the territories of two Parties to this Protocol, or within the territory of a single Party to this Protocol with an agreed stopping place in the territory of another State.

Chapter III Final Clauses

Article IV

As between the Parties to this Protocol, the Convention and the Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended by Additional Protocol No. 1 of Montreal 1975*.

Article V

Until the date on which this Protocol comes into force in accordance with the provisions of Article VII, it shall remain open for signature by any State.

Article VI

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Warsaw Convention shall have the effect of accession to the Convention as amended by this Protocol.
3. The instruments of ratification shall be deposited with the Government of the Polish People's Republic.

Article VII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.

2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the Polish People's Republic.

Article VIII

1. This Protocol, after it has come into force, shall be open for accession by any non-signatory State.

2. Accession to this Protocol by any State which is not a Party to the Convention shall have the effect of accession to the Convention as amended by this Protocol.

3. Accession shall be effected by the deposit of an instrument of accession with the Government of the Polish People's Republic and shall take effect on the ninetieth day after the deposit.

Article IX

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the Polish People's Republic.

2. Denunciation shall take effect six months after the receipt by the Government of the Polish People's Republic of the notification of denunciation.

3. As between the Parties to this Protocol, denunciation by any of them of the Convention in accordance with Article 39 thereof shall not be construed in any way as a denunciation of the Convention as amended by this Protocol.

Article X

No reservation may be made to this Protocol.

Article XI

The Government of the Polish People's Republic shall promptly inform all States Parties to the Warsaw Convention or of that Convention as amended, all signatory or acceding States to the present Protocol, as well as the International Civil Aviation Organisation, of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of coming into force of this Protocol, and other relevant information.

Article XII

As between the Parties to this Protocol which are also Parties to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed at Guadalajara on 18th September 1961 (hereinafter referred to as the "Guadalajara Convention") any reference to the "Warsaw Convention" contained in the Guadalajara Convention shall include reference to the *Warsaw Convention as amended by Additional Protocol No. 1 of Montreal, 1975*, in cases where the carriage under the agreement referred to in Article I, paragraph (b) of the Guadalajara Convention is governed by this Protocol.

Article XIII

This Protocol shall remain open for signature until 1st January 1976 at the Headquarters of the International Civil Aviation Organisation and thereafter until it comes into force in accordance with Article VII at the Ministry for Foreign Affairs of the Polish People's Republic. The International Civil Aviation Organisation shall promptly inform the Government of the Polish People's Republic of any signature and the date thereof during the time that the Protocol shall be open for signature at the Headquarters of the International Civil Aviation Organisation.

In Witness Whereof the undersigned Plenipotentiaries, having been duly authorised, have signed this Protocol.

Done at Montreal on the twenty-fifth day of the month of September of the year One Thousand Nine Hundred and Seventy-five in four authentic texts in the English, French, Russian and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12th October 1929 was drawn up, shall prevail.

(Here follow signatures on behalf of certain States.)

PART II

MONTREAL ADDITIONAL PROTOCOL NO. 2, 1975

Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as Amended by the Protocol Done at The Hague on 28th September 1955.

The Governments Undersigned

Considering that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October 1929 as amended by the Protocol done at The Hague on 28th September 1955,

Have Agreed as follows:

Chapter I Amendments to the Convention

Article I

The Convention which the provisions of the present Chapter modify is the Warsaw Convention as amended at The Hague in 1955.

Article II

Article 22 of the Convention shall be deleted and replaced by the following:

"Article 22

1. In the carriage of persons the liability of the carrier for each passenger is limited to the sum of 16,600 Special Drawing Rights. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodic payments, the equivalent capital value of the said payments shall not exceed this limit. Nevertheless, by special contract, the carrier and the passenger may agree to a higher limit of liability.

2. (a) In the carriage of registered baggage and of cargo, the liability of the carrier is limited to a sum of 17 Special Drawing Rights per kilogramme, unless the passenger or consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the passenger's or consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of registered baggage or cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the registered baggage or cargo, or of an object contained therein, affects the value of other packages covered by the same baggage check or the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

3. As regards objects of which the passenger takes charge himself the liability of the carrier is limited to 332 Special Drawings Rights per passenger.

4. The limits prescribed in this Article shall not prevent the court from awarding, in accordance with its own law, in addition, the whole or part of the court costs and of the other expenses of the litigation incurred by the plaintiff. The foregoing provision shall not apply if the amount of the damages awarded, excluding court costs and other expenses of the litigation, does not exceed the sum which the carrier has offered in writing to the plaintiff within a period of six months from the date of the occurrence causing the damage, or before the commencement of the action, if that is later.

5. The sums mentioned in terms of the Special Drawing Right in this Article shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the Special Drawing Right at the date of the judgment. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is a Member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund, in effect at the date of the judgment, for its operations and transactions. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is not a Member of the International Monetary Fund, shall be calculated in a manner determined by that High Contracting Party.

Nevertheless, those States which are not Members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraphs 1, 2 (a) and 3 of Article 22 may at the time of ratification or accession or at any time thereafter, declare that the limit of liability of the carrier in judicial proceedings in their territories is fixed at a sum of 250,000 monetary units per passenger with respect to paragraph 1 of Article 22; 250 monetary units per kilogramme with respect to paragraph 2 (a) of Article 22; and 5,000 monetary units per passenger with respect to paragraph 3 of Article 22. This monetary unit corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into the national currency concerned in round figures. The conversion of these sums into national currency shall be made according to the law of the State concerned."

Chapter II Scope of Application of the Convention as Amended

Article III

The Warsaw Convention as amended at The Hague in 1955 and by this Protocol shall apply to international carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two Parties to this Protocol or within the territory of a single Party to this Protocol with an agreed stopping place in the territory of another State.

Chapter III Final Clauses

Article IV

As between the Parties to this Protocol, the Warsaw Convention as amended at The Hague in 1955 and this Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended at The Hague, 1955, and by Additional Protocol No. 2 of Montreal, 1975*.

Article V

Until the date on which this Protocol comes into force in accordance with the provisions of Article VII, it shall remain open for signature by any State.

Article VI

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, and by Additional Protocol No. 2 of Montreal, 1975*.
3. The instruments of ratification shall be deposited with the Government of the Polish People's Republic.

Article VII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the Polish People's Republic.

Article VIII

1. This Protocol, after it has come into force, shall be open for accession by any non-signatory State.
2. Accession to this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, and by Additional Protocol No. 2 of Montreal, 1975*.
3. Accession shall be effected by the deposit of an instrument of accession with the Government of the Polish People's Republic and shall take effect on the ninetieth day after the deposit.

Article IX

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the Polish People's Republic.
2. Denunciation shall take effect six months after the date of receipt by the Government of the Polish People's Republic of the notification of denunciation.
3. As between the Parties to this Protocol, denunciation by any of them of the Warsaw Convention in accordance with Article 39 thereof or of The Hague Protocol in accordance with Article XXIV thereof shall not be construed in any way as a denunciation of the *Warsaw Convention as amended at The Hague, 1955, and by Additional Protocol No. 2 of Montreal, 1975*.

Article X

No reservation may be made to this Protocol except that a State may at any time declare by a notification addressed to the Government of the Polish People's Republic that the Convention as amended by this Protocol shall not apply to the carriage of persons, cargo and baggage for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities.

Article XI

The Government of the Polish People's Republic shall promptly inform all States Parties to the Warsaw Convention or to that Convention as amended, all signatory or acceding States to the present Protocol, as well as the International Civil Aviation Organisation, of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of coming into force of this Protocol, and other relevant information.

Article XII

As between the Parties to this Protocol which are also Parties to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed at Guadalajara on 18th September 1961 (hereinafter referred to as the "Guadalajara Convention") any reference to the "Warsaw Convention" contained in the Guadalajara Convention shall include reference to the *Warsaw Convention as amended at The Hague, 1955, and by Additional Protocol No. 2 of Montreal, 1975*, in cases where the carriage under the agreement referred to in Article I, paragraph (b) of the Guadalajara Convention is governed by this Protocol.

Article XIII

This Protocol shall remain open for signature until 1st January 1976 at the Headquarters of the International Civil Aviation Organisation and thereafter until it comes into force in accordance with Article VII at the Ministry for Foreign Affairs of the Polish People's Republic. The International Civil Aviation Organisation shall promptly inform the Government of the Polish People's Republic of any signature and the date thereof during the time that the Protocol shall be open for signature at the Headquarters of the International Civil Aviation Organisation.

In Witness Whereof the undersigned Plenipotentiaries, having been duly authorised, have signed this Protocol.

Done at Montreal on the twenty-fifth day of the month of September of the year One Thousand Nine Hundred and Seventy-five in four authentic texts in the English, French, Russian and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12th October 1929 was drawn up, shall prevail.

(Here follow signatures on behalf of certain States.)

MONTREAL ADDITIONAL PROTOCOL NO. 3, 1975

Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as amended by the Protocols Done at The Hague on 28th September 1955 and at Guatemala City on 8th March 1971.

The Governments Undersigned

Considering that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October 1929 as amended by the Protocols done at The Hague on 28th September 1955, and at Guatemala City on 8th March 1971,

Have Agreed as follows:

Chapter I Amendments to the Convention

Article I

The Convention which the provisions of the present Chapter modify is the Warsaw Convention as amended at The Hague in 1955, and at Guatemala City in 1971.

Article II

Article 22 of the Convention shall be deleted and replaced by the following:

"Article 22

1. (a) In the carriage of persons the liability of the carrier is limited to the sum of 100,000 Special Drawing Rights for the aggregate of the claims, however founded, in respect of damage suffered as a result of the death or personal injury of each passenger. Where, in accordance with the law of the court seised of the case, damages may be awarded in the form of periodic payments, the equivalent capital value of the said payments shall not exceed 100,000 Special Drawing Rights.

(b) In the case of delay in the carriage of persons the liability of the carrier for each passenger is limited to 4,150 Special Drawing Rights.

(c) In the carriage of baggage the liability of the carrier in the case of destruction, loss, damage or delay is limited to 1,000 Special Drawing Rights for each passenger.

2. (a) In the carriage of cargo, the liability of the carrier is limited to a sum of 17 Special Drawing Rights per kilogramme, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that that sum is greater than the consignor's actual interest in delivery at destination.

(b) In the case of loss, damage or delay of part of the cargo, or of any object contained therein, the weight to be taken into consideration in determining the amount to which the carrier's liability is limited shall be only the total weight of the package or packages concerned. Nevertheless, when the loss, damage or delay of a part of the cargo, or of an object contained therein, affects the value of other packages covered by the same air waybill, the total weight of such package or packages shall also be taken into consideration in determining the limit of liability.

3. (a) The courts of the High Contracting Parties which are not authorised under their law to award the costs of the action, including lawyers' fees, shall, in actions to which this Convention applies, have the power to award, in their discretion, to the claimant the whole or part of the costs of the action, including lawyers' fees which the court considers reasonable.

(b) The costs of the action including lawyers' fees shall be awarded in accordance with subparagraph (a) only if the claimant gives a written notice to the carrier of the amount claimed including the particulars of the calculation of that amount and the carrier does not make, within a period of six months after his receipt of such notice, a written offer of settlement in an amount at least equal to the compensation awarded within the applicable limit. This period will be extended until the time of commencement of the action if that is later.

(c) The costs of the action including lawyers' fees shall not be taken into account in applying the limits under this Article.

4. The sums mentioned in terms of the Special Drawing Right in this Article and Article 42 shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the Special Drawing Right at the date of the judgment. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is a Member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund, in effect at the date of the judgment, for its operations and transactions. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is not a Member of the International Monetary Fund, shall be calculated in a manner determined by that High Contracting Party.

Nevertheless, those States which are not Members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraphs 1 and 2 (a) of Article 22 may, at the time of ratification or accession or at any time thereafter declare that the limit of liability of the carrier in judicial proceedings in their territories is fixed at a sum of 1,500,000 monetary units per passenger with respect to paragraph 1 (a) of Article 22; 62,500 monetary units per passenger with respect to paragraph 1 (b) of Article 22; 15,000 monetary units per passenger with respect to paragraph 1 (c) of Article 22; and 250 monetary units per kilogramme with respect to paragraph 2 (a) of Article 22. A State applying the provisions of this paragraph may also declare that the sum referred to in paragraphs 2 and 3 of Article 42 shall be the sum of 187,500 monetary units. This monetary unit corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into the national currency concerned in round figures. The conversion of these sums into national currency shall be made according to the law of the State concerned."

Article III

In Article 42 of the Convention—

paragraphs 2 and 3 shall be deleted and replaced by the following:

"2. At each of the Conferences mentioned in paragraph 1 of this Article the limit of liability in Article 22, paragraph 1 (a) in force at the respective dates of these Conferences shall not be increased by an amount exceeding 12,500 Special Drawing Rights.

3. Subject to paragraph 2 of this Article, unless before the thirty-first December of the fifth and tenth year after the date of entry into force of the Protocol referred to in paragraph 1 of this Article the aforesaid Conferences decide otherwise by a two-thirds majority vote of the Parties present and voting, the limit of liability in Article 22, paragraph 1 (a) in force at the respective dates of these Conferences shall on those dates be increased by 12,500 Special Drawing Rights."

Chapter II Scope of Application of the Convention as Amended

Article IV

The Warsaw Convention as amended at The Hague in 1955, and at Guatemala City in 1971 and by this Protocol shall apply to international carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two Parties to this Protocol or within the territory of a single Party to this Protocol with an agreed stopping place in the territory of another State.

Chapter III Final Clauses

Article V

As between the Parties to this Protocol, the Warsaw Convention as amended at The Hague in 1955 and at Guatemala City in 1971, and this Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*.

Article VI

Until the date on which this Protocol comes into force in accordance with the provisions of Article VIII, it shall remain open for signature by any State.

Article VII

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, and at Guatemala City, 1971, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*.
3. The instruments of ratification shall be deposited with the Government of the Polish People's Republic.

Article VIII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the Polish People's Republic.

Article IX

1. This Protocol, after it has come into force, shall be open for accession by any non-signatory State.
2. Accession to this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, or by any State not a Party to the Warsaw Convention as amended at The Hague, 1955, and at Guatemala City, 1971, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*.
3. Accession shall be effected by the deposit of an instrument of accession with the Government of the Polish People's Republic and shall take effect on the ninetieth day after the deposit.

Article X

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the Polish People's Republic.

2. Denunciation shall take effect six months after the date of receipt by the Government of the Polish People's Republic of the notification of denunciation.

3. As between the Parties to this Protocol, denunciation by any of them of the Warsaw Convention in accordance with Article 39 thereof or of The Hague Protocol in accordance with Article XXIV thereof or of the Guatemala City Protocol in accordance with Article XXII thereof shall not be construed in any way as a denunciation of the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*.

Article XI

1. Only the following reservations may be made to this Protocol:

(a) any State whose courts are not authorised under its law to award the costs of the action including lawyers' fees may at any time by a notification addressed to the Government of the Polish People's Republic declare that Article 22, paragraph 3 (a) shall not apply to its courts;

(b) any State may at any time declare by a notification addressed to the Government of the Polish People's Republic that the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*, shall not apply to the carriage of persons, baggage and cargo for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities; and

(c) any State may declare at the time of ratification of or accession to the Montreal Protocol No. 4 of 1975, or at any time thereafter, that it is not bound by the provisions of the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*, in so far as they relate to the carriage of cargo, mail and postal packages. Such declaration shall have effect ninety days after the date of receipt by the Government of the Polish People's Republic of the declaration.

2. Any State having made a reservation in accordance with the preceding paragraph may at any time withdraw such reservation by notification to the Government of the Polish People's Republic.

Article XII

The Government of the Polish People's Republic shall promptly inform all States Parties to the Warsaw Convention or to that Convention as amended, all signatory or acceding States to the present Protocol, as well as the International Civil Aviation Organisation, of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of coming into force of this Protocol, and other relevant information.

Article XIII

As between the Parties to this Protocol which are also Parties to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed at Guadalajara on 18th September 1961 (hereinafter referred to as the "Guadalajara Convention") any reference to the "Warsaw Convention" contained in the Guadalajara Convention shall include reference to the *Warsaw Convention as amended at The Hague, 1955, at Guatemala City, 1971, and by the Additional Protocol No. 3 of Montreal, 1975*, in cases where the carriage under the agreement referred to in Article I, paragraph (b) of the Guadalajara Convention is governed by this Protocol.

Article XIV

This Protocol shall remain open for signature until 1st January 1976 at the Headquarters of the International Civil Aviation Organisation and thereafter until it comes into force in accordance with Article VIII at the Ministry for Foreign Affairs of the Polish People's Republic. The International Civil Aviation Organisation shall promptly inform the Government of the Polish People's Republic of any signature and the date thereof during the time that the Protocol shall be open for signature at the Headquarters of the International Civil Aviation Organisation.

In Witness Whereof the undersigned Plenipotentiaries, having been duly authorised, have signed this Protocol.

Done at Montreal on the twenty-fifth day of September of the year One Thousand Nine Hundred and Seventy-five in four authentic texts in the English, French, Russian and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12th October 1929 was drawn up, shall prevail.

(Here follow signatures on behalf of certain States.)

PART IV

MONTREAL ADDITIONAL PROTOCOL NO. 4, 1975

Additional Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as Amended by the Protocol Done at The Hague on 28th September 1955.

The Governments Undersigned

Considering that it is desirable to amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October 1929 as amended by the Protocol done at The Hague on 28th September 1955,

Have Agreed as follows:

Chapter I Amendments to the Convention

Article I

The Convention which the provisions of the present Chapter modify is the Warsaw Convention as amended at The Hague in 1955.

Article II

In Article 2 of the Convention—

paragraph 2 shall be deleted and replaced by the following:—

“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.”

Article III

In Chapter II of the Convention—

Section III (Articles 5 to 16) shall be deleted and replaced by the following:

“Section III.—Documentation relating to cargo

Article 5

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

2. Any other means which would preserve a record of the carriage to be performed may, with the consent of the consignor, 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 receipt for the cargo permitting identification of the consignment and access to the information contained in the record preserved by such other means.

3. The impossibility of using, at points of transit and destination, the other means which would preserve the record of the carriage referred to in paragraph 2 of this Article does not entitle the carrier to refuse to accept the cargo for carriage.

Article 6

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 and handed by him to the consignor after the cargo has been accepted.

3. The signature of the carrier and that of the consignor may be printed or stamped.

4. If, at the request of the consignor, the carrier makes out the air waybill, he shall be deemed, subject to proof to the contrary, to have done so on behalf of the consignor.

Article 7

When there is more than one package:

(a) the carrier of cargo has the right to require the consignor to make out separate air waybills;

(b) the consignor has the right to require the carrier to deliver separate receipts when the other means referred to in paragraph 2 of Article 5 are used.

Article 8

The air waybill and receipt for the cargo shall contain:

(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 High Contracting 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 9

Non-compliance with the provisions of Articles 5 to 8 shall not affect the existence or the validity of the contract of carriage, which shall, none the less, be subject to the rules of this Convention including those relating to limitation of liability.

Article 10

1. The consignor is responsible for the correctness of the particulars and statements relating to the cargo inserted by him or on his behalf in the air waybill or furnished by him or on his behalf to the carrier for insertion in the receipt for the cargo or for insertion in the record preserved by the other means referred to in paragraph 2 of Article 5.

2. The consignor shall indemnify the carrier against all damage suffered by him, or by any other person to whom the carrier is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements furnished by the consignor or on his behalf.

3. Subject to the provisions of paragraphs 1 and 2 of this Article, the carrier shall indemnify the consignor against all damage suffered by him, or by any other person to whom the consignor is liable, by reason of the irregularity, incorrectness or incompleteness of the particulars and statements inserted by the carrier or on his behalf in the receipt for the cargo or in the record preserved by the other means referred to in paragraph 2 of Article 5.

Article 11

1. The air waybill or the receipt for the cargo is *prima facie* evidence of the conclusion of the contract, of the acceptance of the cargo and of the conditions of carriage mentioned therein.

2. Any statements in the air waybill or the receipt for the cargo relating to the weight, dimensions and packing of the cargo, as well as those relating to the number of packages, are *prima facie* evidence of the facts stated; those relating to the quantity, volume and condition of the cargo do not constitute evidence against the carrier except so far as they both have been, and are stated in the air waybill to have been, checked by him in the presence of the consignor, or relate to the apparent condition of the cargo.

Article 12

1. Subject to his liability to carry out all his obligations under the contract of carriage, the consignor has the right to dispose of the cargo by withdrawing it at the airport of departure or destination, or by stopping it in the course of the journey on any landing, or by calling for it to be delivered at the place of destination or in the course of the journey to a person other than the consignee originally designated, or by requiring it to be returned to the airport of departure. He must not exercise this right of disposition in such a way as to prejudice the carrier or other consignors and he must repay any expenses occasioned by the exercise of this right.

2. If it is impossible to carry out the orders of the consignor the carrier must so inform him forthwith.

3. If the carrier obeys the orders of the consignor for the disposition of the cargo without requiring the production of the part of the air waybill or the receipt for the cargo delivered to the latter, he will be liable, without prejudice to his right of recovery from the consignee, for any damage which may be caused thereby to any person who is lawfully in possession of that part of the air waybill or the receipt for the cargo.

4. The right conferred on the consignor ceases at the moment when that of the consignee begins in accordance with Article 13. Nevertheless, if the consignee declines to accept the cargo, or if he cannot be communicated with, the consignor resumes his right of disposition.

Article 13

1. Except when the consignor has exercised his right under Article 12, the consignee is entitled, on arrival of the cargo at the place of destination, to require the carrier to deliver the cargo to him, on payment of the charges due and on complying with the conditions of carriage.

2. Unless it is otherwise agreed, it is the duty of the carrier to give notice to the consignee as soon as the cargo arrives.

3. If the carrier admits the loss of the cargo, or if the cargo has not arrived at the expiration of seven days after the date on which it ought to have arrived, the consignee is entitled to enforce against the carrier the rights which flow from the contract of carriage.

Article 14

The consignor and the consignee can respectively enforce all the rights given them by Articles 12 and 13, each in his own name, whether he is acting in his own interests or in the interests of another, provided that he carries out the obligations imposed by the contract of carriage.

Article 15

1. Articles 12, 13 and 14 do not affect the relations of the consignor and the consignee with each other or the mutual relations of third parties whose rights are derived either from the consignor or from the consignee.

2. The provisions of Articles 12, 13 and 14 can only be varied by express provision in the air waybill or the receipt for the cargo.

Article 16

1. The consignor must furnish such information and such documents as are necessary to meet the formalities of customs, octroi or police before the cargo can be delivered to the consignee. The consignor is liable to the carrier for any damage occasioned by the absence, insufficiency or irregularity of any such information or documents, unless the damage is due to the fault of the carrier, his servants or agents.

2. The carrier is under no obligation to enquire into the correctness or sufficiency of such information or documents."

Article IV

Article 18 of the Convention shall be deleted and replaced by the following:

"Article 18

1. The carrier is liable for damage sustained in the event of the destruction or loss of, or damage to, any registered baggage, if the occurrence which caused the damage so sustained took place during the carriage by air.

2. The carrier is liable for damage sustained in the event of the destruction or loss of, or damage to, cargo upon condition only that the occurrence which caused the damage so sustained took place during the carriage by air.

3. However, the carrier is not liable if he proves that the destruction, loss of, or damage to, the cargo resulted solely from one or more of the following:

- (a) inherent defect, quality or vice of that cargo;
- (b) defective packing of that cargo performed by a person other than the carrier or his servants or agents;
- (c) an act of war or an armed conflict;
- (d) an act of public authority carried out in connexion with the entry, exit or transit of the cargo.

4. The carriage by air within the meaning of the preceding paragraphs of this Article comprises the period during which the baggage or cargo is in the charge of the carrier, whether in an airport or on board an aircraft, or, in the case of a landing outside an airport, in any place whatsoever.

5. The period of the carriage by air does not extend to any carriage by land, by sea or by river performed outside an airport. If, however, such carriage takes place in the performance of a contract for carriage by air, for the purpose of loading, delivery or transhipment, any damage is presumed, subject to proof to the contrary, to have been the result of an event which took place during the carriage by air."

Article V

Article 20 of the Convention shall be deleted and replaced by the following:

"Article 20

In the case of passengers and baggage, and in the case of damage occasioned by delay in the carriage of cargo, the carrier shall not be liable if he proves that he and his servants and agents have taken all necessary measures to avoid the damage or that it was impossible for them to take such measures."

Article VI

Article 21 of the Convention shall be deleted and replaced by the following:

"Article 21

1. In the carriage of passengers and baggage, if the carrier proves that the damage was caused by or contributed to by the negligence of the person suffering the damage the Court may, in accordance with the provisions of its own law, exonerate the carrier wholly or partly from his liability.

2. In the carriage of cargo, if the carrier proves that the damage was caused by or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, or the person from whom he derives his rights, the carrier shall be wholly or partly exonerated from his liability to the claimant to the extent that such negligence or wrongful act or omission caused or contributed to the damage.”

Article VII

In Article 22 of the Convention—

(a) in paragraph 2 (a) the words “and of cargo” shall be deleted.

(b) after paragraph 2 (a) the following paragraph shall be inserted:

“(b) In the carriage of cargo, the liability of the carrier is limited to a sum of 17 Special Drawing Rights per kilogramme, unless the consignor has made, at the time when the package was handed over to the carrier, a special declaration of interest in delivery at destination and has paid a supplementary sum if the case so requires. In that case the carrier will be liable to pay a sum not exceeding the declared sum, unless he proves that the sum is greater than the consignor's actual interest in delivery at destination.”

(c) paragraph 2 (b) shall be designated as paragraph 2 (c).

(d) after paragraph 5 the following paragraph shall be inserted:

“6. The sums mentioned in terms of the Special Drawing Right in this Article shall be deemed to refer to the Special Drawing Right as defined by the International Monetary Fund. Conversion of the sums into national currencies shall, in case of judicial proceedings, be made according to the value of such currencies in terms of the Special Drawing Right at the date of the judgment. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is a Member of the International Monetary Fund, shall be calculated in accordance with the method of valuation applied by the International Monetary Fund, in effect at the date of the judgment for its operations and transactions. The value of a national currency, in terms of the Special Drawing Right, of a High Contracting Party which is not a Member of the International Monetary Fund, shall be calculated in a manner determined by that High Contracting Party.

Nevertheless, those States which are not Members of the International Monetary Fund and whose law does not permit the application of the provisions of paragraph 2 (b) of Article 22 may, at the time of ratification or accession or at any time thereafter, declare that the limit of liability of the carrier in judicial proceedings in their territories is fixed at a sum of two hundred and fifty monetary units per kilogramme. This monetary unit corresponds to sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. This sum may be converted into the national currency concerned in round figures. The conversion of this sum into the national currency shall be made according to the law of the State concerned."

Article VIII

Article 24 of the Convention shall be deleted and replaced by the following:

"Article 24

1. In the carriage of passengers and baggage, any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention, without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights.

2. In the carriage of cargo, any action for damages, however founded, whether under this Convention or in contract or in tort or otherwise, can only be brought subject to the conditions and limits of liability set out in this Convention without prejudice to the question as to who are the persons who have the right to bring suit and what are their respective rights. Such limits of liability constitute maximum limits and may not be exceeded whatever the circumstances which gave rise to the liability."

Article IX

Article 25 of the Convention shall be deleted and replaced by the following:

"Article 25

In the carriage of passengers and baggage, the limits of liability specified in Article 22 shall not apply if it is proved that the damage resulted from an act or omission of the carrier, his servants or agents, done with intent to cause damage or recklessly and with knowledge that damage would probably result; provided that, in the case of such act or omission of a servant or agent, it is also proved that he was acting within the scope of his employment."

Article X

In Article 25A of the Convention—

paragraph 3 shall be deleted and replaced by the following:

"3. In the carriage of passengers and baggage, the provisions of paragraphs 1 and 2 of this Article shall not apply if it is proved that the damage resulted from an act or omission of the servant or agent done with intent to cause damage or recklessly and with knowledge that damage would probably result."

Article XI

After Article 30 of the Convention, the following Article shall be inserted:

"Article 30A

Nothing in this Convention shall prejudice the question whether a person liable for damage in accordance with its provisions has a right of recourse against any other person."

Article XII

Article 33 of the Convention shall be deleted and replaced by the following:

"Article 33

Except as provided in paragraph 3 of Article 5, nothing in this Convention shall prevent the carrier either from refusing to enter into any contract of carriage or from making regulations which do not conflict with the provisions of this Convention."

Article XIII

Article 34 of the Convention shall be deleted and replaced by the following:

"Article 34

The provisions of Articles 3 to 8 inclusive relating to documents of carriage shall not apply in the case of carriage performed in extraordinary circumstances outside the normal scope of an air carrier's business."

Chapter II Scope of Application of the Convention as Amended

Article XIV

The Warsaw Convention as amended at The Hague in 1955 and by this Protocol shall apply to international carriage as defined in Article 1 of the Convention, provided that the places of departure and destination referred to in that Article are situated either in the territories of two Parties to this Protocol or within the territory of a single Party to this Protocol with an agreed stopping place in the territory of another State.

Chapter III Final Clauses

Article XV

As between the Parties to this Protocol, the Warsaw Convention as amended at The Hague in 1955 and this Protocol shall be read and interpreted together as one single instrument and shall be known as the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*.

Article XVI

Until the date on which this Protocol comes into force in accordance with the provisions of Article XVIII, it shall remain open for signature by any State.

Article XVII

1. This Protocol shall be subject to ratification by the signatory States.
2. Ratification of this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*.
3. The instruments of ratification shall be deposited with the Government of the Polish People's Republic.

Article XVIII

1. As soon as thirty signatory States have deposited their instruments of ratification of this Protocol, it shall come into force between them on the ninetieth day after the deposit of the thirtieth instrument of ratification. It shall come into force for each State ratifying thereafter on the ninetieth day after the deposit of its instrument of ratification.
2. As soon as this Protocol comes into force it shall be registered with the United Nations by the Government of the Polish People's Republic.

Article XIX

1. This Protocol, after it has come into force, shall be open for accession by any non-signatory State.
2. Accession to this Protocol by any State which is not a Party to the Warsaw Convention or by any State which is not a Party to the Warsaw Convention as amended at The Hague, 1955, shall have the effect of accession to the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*.
3. Accession shall be effected by the deposit of an instrument of accession with the Government of the Polish People's Republic and shall take effect on the ninetieth day after the deposit.

Article XX

1. Any Party to this Protocol may denounce the Protocol by notification addressed to the Government of the Polish People's Republic.
2. Denunciation shall take effect six months after the date of receipt by the Government of the Polish People's Republic of the notification of denunciation.
3. As between the Parties to this Protocol, denunciation by any of them of the Warsaw Convention in accordance with Article 39 thereof or of The Hague Protocol in accordance with Article XXIV thereof shall not be construed in any way as a denunciation of the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*.

Article XXI

1. Only the following reservations may be made to this Protocol:

- (a) a State may at any time declare by a notification addressed to the Government of the Polish People's Republic that the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*, shall not apply to the carriage of persons, baggage and cargo for its military authorities on aircraft, registered in that State, the whole capacity of which has been reserved by or on behalf of such authorities; and
- (b) any State may declare at the time of ratification of or accession to the Additional Protocol No. 3 of Montreal, 1975, or at any time thereafter, that it is not bound by the provisions of the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*, in so far as they relate to the carriage of passengers and baggage. Such declaration shall have effect ninety days after the date of receipt of the declaration by the Government of the Polish People's Republic.

2. Any State having made a reservation in accordance with the preceding paragraph may at any time withdraw such reservation by notification to the Government of the Polish People's Republic.

Article XXII

The Government of the Polish People's Republic shall promptly inform all States Parties to the Warsaw Convention or to that Convention as amended, all signatory or acceding States to the present Protocol, as well as the International Civil Aviation Organisation, of the date of each signature, the date of deposit of each instrument of ratification or accession, the date of coming into force of this Protocol, and other relevant information.

Article XXIII

As between the Parties to this Protocol which are also Parties to the Convention, Supplementary to the Warsaw Convention, for the Unification of Certain Rules Relating to International Carriage by Air Performed by a Person Other than the Contracting Carrier, signed at Guadalajara on 18th September 1961 (hereinafter referred to as the "Guadalajara Convention") any reference to the "Warsaw Convention" contained in the Guadalajara Convention shall include reference to the *Warsaw Convention as amended at The Hague, 1955, and by Protocol No. 4 of Montreal, 1975*, in cases where the carriage under the agreement referred to in Article I, paragraph (b) of the Guadalajara Convention is governed by this Protocol.

Article XXIV

If two or more States are Parties both to this Protocol and to the Guatemala City Protocol, 1971, or to the Additional Protocol No. 3 of Montreal, 1975, the following rules shall apply between them:

- (a) the provisions resulting from the systems established by this Protocol concerning cargo and postal items, shall prevail over the provisions resulting from the system established by the Guatemala City Protocol, 1971, or by the Additional Protocol No. 3 of Montreal, 1975,
- (b) the provisions resulting from the system established by the Guatemala City Protocol, 1971, or by the Additional Protocol No. 3 of Montreal, 1975, concerning passengers and baggage, shall prevail over the provisions resulting from the system established by this Protocol.

Article XXV

This Protocol shall remain open for signature until 1st January 1976 at the Headquarters of the International Civil Aviation Organisation and thereafter until it comes into force in accordance with Article XVIII at the Ministry for Foreign Affairs of the Polish People's Republic. The International Civil Aviation Organisation shall promptly inform the Government of the Polish People's Republic of any signature and the date thereof during the time that the Protocol shall be open for signature at the Headquarters of the International Civil Aviation Organisation.

In Witness Whereof the undersigned Plenipotentiaries, having been duly authorised, have signed this Protocol.

Done At Montreal on the twenty-fifth day of September of the year One Thousand Nine Hundred and Seventy-five in four authentic texts in the English, French, Russian and Spanish languages. In the case of any inconsistency, the text in the French language, in which language the Warsaw Convention of 12th October 1929 was drawn up, shall prevail.

(Here follow signatures on behalf of certain States.)

SECOND SCHEDULE

Repeals

Section 53.

Number and Year

Short Title

Extent of Repeal

No. 40 of 1936.

Air Navigation and Transport Act,
1936 .

In section 2 (1) — the definition of the expression “the Paris Convention”; the definition of the expression “the Rome Convention”; the definition of the expression “the Company”; the definition of the expression “the subsidiary company”; the definition of the word “prescribed” where that definition first appears; the words “(except in Part II of this Act)” in the definition of the word “prescribed” where that definition last appears.

In section 5 (4), the words “triable summarily and prescribe the punishments which may be inflicted by courts of summary jurisdiction on persons convicted by such courts of any such offence, but so that no such punishment shall exceed imprisonment for a term of six months or a fine of two hundred pounds or both such imprisonment and fine”.

In section 6 , the words “(except Part II thereof)”.

Part II .

Chapters II and III of Part IV .

In section 39 (2), the words “and shall be liable on summary conviction thereof to a fine not exceeding ten pounds”.

In section 56 (1) , the words “and shall be liable on summary conviction thereof to a fine not exceeding two hundred pounds or, at the discretion of the Court, either to imprisonment for any term not exceeding six months or to both such fine and imprisonment”.

In section 60 (4) , the words “and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the court, imprisonment for a term not exceeding three months”.

Section 63 .

Section 64 .

Section 65 .

In section 66 (3), the words “and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence is continued”.

No. 23 of 1946.

Air Navigation and Transport Act,
1946 .

In section 13 (3), the words “and shall be liable on summary conviction thereof to imprisonment for a term not exceeding six months or to a fine not exceeding two hundred pounds or, at the discretion of the Court, to both such imprisonment and fine”.

Section 16 .

Section 28 .

No. 4 of 1950.

Air Navigation and Transport Act,
1950 .

Section 3 .

In section 13 (1) (c) and (2) (b), the words “and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds”.

In section 14 (7) (a), the words “and shall be liable on summary conviction to a fine not exceeding fifty pounds”.

In section 16 (6) , the words “and shall be liable on summary conviction thereof to a fine not exceeding five pounds”.

In section 17 (2) , the words “and shall be liable on summary conviction to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding one month”.

Section 19 .

In section 21 , the words “and shall be liable on summary conviction to a fine not exceeding one thousand pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months”.

No. 29 of 1958.	<u>Customs-free Airport (Amendment) Act, 1958 .</u>	<u>Section 11 .</u>
No. 25 of 1961.	<u>Air Navigation and Transport Act, 1961 .</u>	<u>Sections 3 (3) , 5 and 6 .</u>
No. 15 of 1963.	<u>Air Navigation (Eurocontrol) Act, 1963 .</u>	<u>Section 9 .</u>
No. 6 of 1965.	<u>Air Navigation and Transport Act, 1965 .</u>	<u>Section 13 .</u>
No. 29 of 1973.	<u>Air Navigation and Transport Act, 1973 .</u>	In <u>section 15</u> , the words “and shall be liable on summary conviction to a fine not exceeding one hundred pounds”.
No. 9 of 1975.	<u>Air Navigation and Transport Act, 1975 .</u>	In <u>section 4 (7)</u> , the words “and shall be liable on summary conviction to a fine not exceeding £100”.
No. 38 of 1983.	<u>Air Navigation (Eurocontrol) Act, 1983 .</u>	<u>Section 11 .</u>
No. 18 of 1986.	<u>Air Navigation and Transport (Preinspection) Act, 1986 .</u>	<u>Section 8 .</u>