STATUTORY INSTRUMENTS

2021 No. 1448

CIVIL AVIATION

The Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2021

Made - - - -	*15th December 2021*
Coming into force	*16th December 2021*

At the Court at Windsor Castle, the 15th day of December 2021

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, by and with the advice of Her Privy Council, in exercise of the power conferred by section 2(1A) of the Carriage by Air Act 1961(**a**), orders as follows:

Citation, commencement and extent

1.—(1) This Order may be cited as the Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2021 and comes into force on 16th December 2021.

(2) This Order extends to England and Wales, Scotland and Northern Ireland.

Superseding of the Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2009

2. This Order supersedes the Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2009(**b**).

Certification of the revision of limits of liability under the Montreal Convention(c)

3. The revised limits of liability established under Articles 21 and 22 of the Montreal Convention are as certified in the third column of the table.

(**a**) 1961 c. 27; section 2(1A) was inserted by the Carriage by Air Acts (Implementation of the Montreal Convention 1999) Order 2002 (S.I. 2002/263), article 2(4).
(**b**) S.I. 2009/3018; that Order is superseded by virtue of section 2(3) of the Carriage by Air Act 1961.
(**c**) Cm. 6369, Convention for the Unification of Certain Rules for International Carriage by Air, Treaty Series No. 44 (2004). The Montreal Convention was previously published as Miscellaneous No. 4 (2000) Cm. 4651.

Montreal Convention	*Old limit (Special Drawing Rights)*	*Revised limit (Special Drawing Rights)*
Article 21	113,100	128,821
Article 22, paragraph 1	4,694	5,346
Article 22, paragraph 2	1,131	1,288
Article 22, paragraph 3	19	22

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order certifies the revised limits of liability established under the Montreal Convention 1999 (the Convention). The Convention can be viewed online at https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69779 or obtained in hard copy from the Aviation Consumer Policy Team, Department for Transport, 4th Floor, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

The revised limits of liability under the Convention can be viewed online at https://www.icao.int/secretariat/legal/Pages/2019_Revised_Limits_of_Liability_Under_the_Montreal_Convention_1999.aspx or obtained in hard copy from the Aviation Consumer Policy Team, Department for Transport, 4th Floor, Great Minster House, 33 Horseferry Road, London SW1P 4DR.

The revision of the limits was accomplished under Article 24 (review of limits) of the Convention. Article 24 provides that the limits of liability are to be reviewed by the International Civil Aviation Organisation (ICAO) at five-yearly intervals by reference to an inflation factor which corresponds to the accumulated rate of inflation since the previous revision. In the absence of disapproval by a majority of State Parties (to the Convention) the revised limits become effective six months after their notification to State Parties by ICAO.

The limits of liability were previously revised in 2009 and those rates were certified in the UK by way of the Carriage by Air (Revision of Limits of Liability under the Montreal Convention) Order 2009 (S.I. 2009/3018), which this Order supersedes.

The limits of liability are expressed in Special Drawing Rights (SDR), which are a unit of account established by the International Monetary Fund (IMF). The value of the SDR is based on a basket of currencies, currently consisting of the Chinese renminbi, euro, Japanese yen, pound sterling and U.S. dollar. Further information on SDR from the IMF can be found at https://www.imf.org/en/About/Factsheets/Sheets/2016/08/01/14/51/Special-Drawing-Right-SDR.

A full impact assessment has not been produced for this instrument as it is not expected to have a significant impact on the private, public or voluntary sectors.

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