



**ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ**  
**ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ**  
**Αρ. 2455 της 6ης ΝΟΕΜΒΡΙΟΥ 1989**  
**ΝΟΜΟΘΕΣΙΑ**

Ο περί του Πρωτοκόλλου της Πόλης της Γουατεμάλας και των Τεσσάρων Πρωτοκόλλων του Μοντρεάλ (Κυρωτικός) Νόμος του 1989 εκδίδεται με δημοσίευση στην επίσημη εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 173 του 1989

**ΝΟΜΟΣ ΚΥΡΩΝ ΤΟ ΠΡΩΤΟΚΟΛΛΟ ΤΗΣ**  
**ΠΟΛΗΣ ΤΗΣ ΓΟΥΑΤΕΜΑΛΑΣ ΤΗΣ 8ης ΜΑΡΤΙΟΥ 1971, ΚΑΘΩΣ**  
**ΚΑΙ ΤΑ ΠΡΩΤΟΚΟΛΛΑ ΤΟΥ ΜΟΝΤΡΕΑΛ ΑΡ. 1, 2, 3 ΚΑΙ 4 ΤΗΣ**  
**25ης ΣΕΠΤΕΜΒΡΙΟΥ 1975, ΤΡΟΠΟΠΟΙΗΤΙΚΑ ΤΗΣ ΣΥΜΒΑΣΗΣ**  
**ΤΗΣ ΒΑΡΣΟΒΙΑΣ ΤΗΣ 12ης ΟΚΤΩΒΡΙΟΥ 1929 ΓΙΑ ΤΗΝ**  
**ΕΝΟΠΙΟΙΗΣΗ ΟΡΙΣΜΕΝΩΝ ΚΑΝΟΝΩΝ ΠΟΥ ΑΦΟΡΟΥΝ**  
**ΣΤΗ ΔΙΕΘΝΗ ΑΕΡΟΠΟΡΙΚΗ ΜΕΤΑΦΟΡΑ**

Επειδή η Σύμβαση της Βαρσοβίας της 12ης Οκτωβρίου 1929 για την Ενοποίηση Ορισμένων Κανόνων που Αφορούν στη Διεθνή Αεροπορική Μεταφορά, όπως αυτή τροποποιήθηκε από το Πρωτόκολλο της Χάγης της 28ης Σεπτεμβρίου 1955 και συμπληρώθηκε από τη Σύμβαση της Γουαδαλαχάρες της 18ης Σεπτεμβρίου 1961, που κυρώθηκαν με τον περί του Πρωτοκόλλου της Χάγης και της Σύμβασης της Γουαδαλαχάρες (Κυρωτικό) Νόμο του 1970, εξακολουθεί να ισχύει και να δεσμεύει την Κυπριακή Δημοκρατία.

Προοίμι

66 του 19

Και επειδή με το Πρωτόκολλο της Πόλης της Γουατεμάλας της 8ης Μαρτίου 1971 και με τα Πρωτόκολλα του Μοντρεάλ Αρ. 1, 2, 3 και 4 της 25ης Σεπτεμβρίου 1975 τροποποιήθηκαν περαιτέρω ορισμένοι κανόνες της Σύμβασης της Βαρσοβίας.

Και επειδή το Υπουργικό Συμβούλιο με την υπ' αρ. 29.700 και ημερομηνίας 4 Φεβρουαρίου 1988 Απόφασή του ενέκρινε την παραχώρηση της Κυπριακής Δημοκρατίας στα πιο πάνω Πρωτόκολλα.

Για τους λόγους αυτούς η Βουλή των Αντιπροσώπων ψηφίζει τα ακόλουθα:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Πρωτοκόλλου της Πόλης της Γουατεμάλας και των Τεσσάρων Πρωτοκόλλων του Μοντρεάλ (Κυρωτικός) Νόμος του 1989.

Συνοπτικ  
τίτλος.

ρήμεια.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια

«Πρωτόκολλο της Πόλης της Γουατεμάλας» σημαίνει το Πρωτόκολλο που έγινε στην πόλη της Γουατεμάλας στις 8 Μαρτίου 1971 και με το οποίο τροποποιείται η Σύμβαση της Βαρσοβίας της 12ης Οκτωβρίου 1929.

«Πρωτόκολλα του Μοντρεάλ» σημαίνει τα τέσσερα Πρωτόκολλα Αρ. 1, 2, 3 και 4 που έγιναν στο Μοντρεάλ στις 25 Σεπτεμβρίου 1975 και με τα οποία τροποποιείται η Σύμβαση της Βαρσοβίας της 12ης Οκτωβρίου 1929.

Έκδοση  
Πρωτοκόλλων.

Πίνακας  
Μέρους I  
Μέρους II.

3. Με τον παρόντα Νόμο κυρώνονται το Πρωτόκολλο της Πόλης της Γουατεμάλας και τα Πρωτόκολλα του Μοντρεάλ, των οποίων τα κείμενα των αγγλικών πρωτοτύπων εκτίθενται στο Μέρος I του Πίνακα και σε ελληνική μετάφραση στο Μέρος II του Πίνακα:

Νοείται ότι σε περίπτωση αντίφασης μεταξύ των κειμένων του Μέρους I και του Μέρους II του Πίνακα, θα υπερισχύουν τα κείμενα που εκτίθενται στο Μέρος II αυτού.

## ΠΙΝΑΚΑΣ

(Άρθρο 3)

### ΜΕΡΟΣ I

#### PROTOCOL

to Amend the Convention for the Unification of Certain Rules  
Relating to International Carriage by Air  
Signed at Warsaw on 12 October 1929  
as Amended by the Protocol  
Done at The Hague on 28 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 12 October 1929 as amended by the Protocol done at The Hague on 28 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 3 of the Convention shall be deleted and replaced by the following:-

##### “Article 3

1. In respect of the carriage of passengers an individual or collective document of carriage shall be delivered containing:

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.

2. Any other means which would preserve a record of the information indicated in a) and b) of the foregoing paragraph may be substituted for the delivery of the document referred to in that paragraph.

3. Non-compliance with the provisions of the foregoing paragraphs 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 III

Article 4 of the Convention shall be deleted and replaced by following:-

#### "Article 4

1. In respect of the carriage of checked baggage, a baggage check shall be delivered, which, unless combined with or incorporated in a document of carriage which complies with the provisions of Article 3, paragraph 1, 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.

2. Any other means which would preserve a record of the information indicated in a) and b) of the foregoing paragraph may be substituted for the delivery of the baggage check referred to in that paragraph.

3. Non-compliance with the provisions of the foregoing paragraphs 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 IV

Article 17 of the Convention shall be deleted and replaced by the following:-

#### "Article 17

1. The carrier is liable for damage sustained in case of death or personal injury of a passenger upon condition only that the event which caused the death or injury took place on board the aircraft or in the course of any of the operations of embarking or disembarking. However, the carrier is not liable if the death or injury resulted solely from the state of health of the passenger.

2. The carrier is liable for damage sustained in case of destruction or loss of, or of damage to, baggage upon condition only that the event which caused the destruction, loss or damage took place on board the aircraft or in the course of any of the operations of embarking or disembarking or during any period within which the baggage was in charge of the carrier. However, the carrier is not liable if the damage resulted solely from the inherent defect, quality or vice of the baggage.

3. Unless otherwise specified, in this Convention the term "baggage" means both checked baggage and objects carried by the passenger."

### Article V

In Article 18 of the Convention -

paragraphs 1 and 2 shall be deleted and replaced by the following:-

"1. The carrier is liable for damage sustained in the event of the destruction or loss of, or of damage

to, any cargo, if the occurrence which caused the damage so sustained took place during the carriage by air.

2. The carriage by air within the meaning of the preceding paragraph comprises the period during which the cargo is in 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."

### Article VI

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

#### "Article 20

1. In the carriage of passengers and baggage the carrier shall not be liable for damage occasioned by delay 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.

2. In the carriage of cargo the carrier shall not be liable for damage resulting from destruction, loss, damage or delay 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 VII

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

#### "Article 21

If the carrier proves that the damage was caused or contributed to by the negligence or other wrongful act or omission of the person claiming compensation, the carrier shall be wholly or partly exonerated from his liability to such person to the

extent that such negligence or wrongful act or omission caused or contributed to the damage. When by reason of the death or injury of a passenger compensation is claimed by a person other than the passenger, the carrier shall likewise be wholly or partly exonerated from his liability to the extent that he proves that the damage was caused or contributed to by the negligence or other wrongful act or omission of that passenger."

### Article VIII

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 one million five hundred thousand francs 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 seized of the case, damages may be awarded in the form of periodic payments, the equivalent capital value of the said payments shall not exceed one million five hundred thousand francs.

b) In the case of delay in the carriage of persons the liability of the carrier for each passenger is limited to sixty-two thousand five hundred francs.

c) In the carriage of baggage the liability of the carrier in the case of destruction, loss, damage or delay is limited to fifteen thousand francs for each passenger.

2. a) In the carriage of cargo, the liability of the carrier is limited to a sum of two hundred and fifty francs 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 authorized 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 francs in this Article and Article 42 shall be deemed to refer to a currency unit

consisting of sixty-five and a half milligrammes of gold of millesimal fineness nine hundred. These sums may be converted into national currencies in round figures. Conversion of the sums into national currencies other than gold shall, in case of judicial proceedings, be made according to the gold value of such currencies at the date of the judgment."

### Article IX

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

#### "Article 24

1. In the carriage of cargo, any action for damages, however founded, can only be brought subject to the conditions and limits set out in this Convention.

2. In the carriage of passengers and baggage 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 X

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

#### "Article 25

The limit of liability specified in paragraph 2 of 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