



THE STATUTES OF THE REPUBLIC OF SINGAPORE

CARRIAGE BY AIR (MONTREAL CONVENTION, 1999) ACT

(CHAPTER 32B)

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Carriage by Air (Montreal Convention, 1999) Act

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Certain Rules for International Carriage by
Air
(Montreal, 28th May 1999)
-

An Act to give effect to the provisions of the Montreal Convention, 1999 concerning international carriage by air and for purposes connected therewith.

[16th November 2007]

Short title

1. This Act may be cited as the Carriage by Air (Montreal Convention, 1999) Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“Convention” means the Convention for the unification of certain rules relating to international carriage by air opened for signature at Montreal on 28th May 1999, the text of which is set out in the Schedule;

“court”, in relation to any arbitration proceedings allowed by Article 34 of the Convention, means the arbitrator or arbitration tribunal hearing the arbitration;

“regulations” means regulations made under section 13.

Convention to have force of law

3.—(1) Notwithstanding any other written law or rule of law but subject to this Act, the provisions of the Convention shall, so far as they relate to the rights and liabilities of carriers, carriers’ servants and agents, passengers, consignors, consignees and other persons, have the force of law in Singapore in relation to any carriage by air to which the Convention applies irrespective of the nationality of the aircraft performing that carriage.

(2) Subsection (1) shall not apply so as to affect rights or liabilities arising out of an occurrence before 16th November 2007.

State Parties to Convention

4. For the purposes of this Act, a State Party to the Convention refers to any country that has ratified, accepted, approved or acceded to the Convention in accordance with Article 53 thereof, except that this Act shall apply to any such State Party to the Convention only in respect of such of its territorial units as it has, by a declaration made under Article 56 of the Convention, declared to be a territorial unit to which the Convention is to apply.

Liability for fatal accidents under Article 17 of Convention

5. References in section 20 of the Civil Law Act (Cap. 43) to a wrongful act, neglect or default shall include references to any

occurrence which gives rise to liability under Article 17 of the Convention.

Limitations of liability under Article 22 of Convention

6.—(1) The limitations on liability under Article 22 of the Convention shall apply whatever the nature of the proceedings by which liability may be enforced.

(2) The limitation for each passenger under paragraph 1 of Article 22 of the Convention shall apply to the aggregate liability of the carrier in all proceedings which may be brought against the carrier under the law of Singapore, together with any proceedings brought against the carrier outside Singapore.

(3) A court before which proceedings are brought to enforce a liability which is limited by Article 22 of the Convention may at any stage of the proceedings make any such order as appears to the court to be just and equitable in view of —

- (a) the provisions of that Article; and
- (b) any other proceedings which have been, or are likely to be, commenced in Singapore or elsewhere to enforce the liability in whole or in part.

(4) Without prejudice to subsection (3), a court before which proceedings are brought to enforce a liability which is limited by Article 22 of the Convention shall, where the liability is, or may be, partly enforceable in other proceedings in Singapore or elsewhere, have jurisdiction —

- (a) to award an amount less than what the court would have awarded if the limitation applied solely to the proceedings before the court; or
- (b) to make any part of its award conditional on the result of any other proceedings.

Power to amend Schedule arising from review of limits of liability under Article 24 of Convention

7. Where any limit of liability prescribed by Article 21, 22 or 23 of the Convention has been revised under Article 24 of the Convention,