

## CHAPTER 8:08

# LIMITATION OF LIABILITY (PASSENGERS IN STATE AIRCRAFT) ACT

*Act 13/1963 (Federal); R.G.N. 885/1963.*

**AN ACT to limit the liability of the State in respect of the loss of life of or bodily injury to passengers carried in aircraft in the service of the State and the deduction or loss of or damage to their luggage and personal effects and to make incidental provision in that connection.**

[Date of commencement: 31st December, 1963.]

### 1 Short title

This Act may be cited as the Limitation of Liability (Passengers in State Aircraft) Act [*Chapter 8:08*].

### 2 Interpretation

In this Act—

“Convention” means the Convention for the Unification of Certain Rules relating to International Carriage by Air which was signed at Warsaw on the 12th October, 1929;

“conventional damages”—

- (a) in relation to loss of life or bodily injury to which section *three* relates, means an amount in currency which is legal tender in Zimbabwe equal to the sum fixed from time to time by the Convention as the limit of the liability of a carrier in respect of damage sustained in the event of the death or wounding of a passenger or any other bodily injury suffered by a passenger;
- (b) in relation to the destruction or loss of or damage to luggage and personal effects to which section *four* relates, means an amount in currency which is legal tender in Zimbabwe equal to the sum fixed from time to time by the Convention as the limit of the liability of a carrier in respect of damage sustained in the event of the destruction or loss of or damage to any luggage of which the passenger takes charge himself.

“passenger”, in relation to a State aircraft, includes any person other than the pilot or member of the crew of the aircraft;

“State aircraft”—

- (a) means any aircraft which—
  - (i) is the property of the State, or is let out on hire to the State, with or without pilot or crew; and
  - (ii) is employed in the service of the State; and
- (b) includes any aircraft of the Air Force of Zimbabwe.

### 3 Limitation of liability in respect of life of or bodily injury to passengers carried in State aircraft

The total liability of the State to pay damages in respect of the loss of life of or bodily injury caused on any one occasion to any one person whilst journeying as a passenger in a State aircraft or whilst entering or alighting from a State aircraft in connection with a journey made or to be made by him as a passenger in the aircraft shall not exceed the conventional damages.

### 4 Limitation of liability in respect of destruction or loss of or damage to luggage and personal effects of passengers carried in State aircraft

(1) The total liability of the State to pay damages in respect of the destruction or loss of or damage to luggage and personal effects of a person referred to in section *three* which is sustained in the course of the journey of the person as a passenger in a State aircraft shall not exceed the conventional damages.

(2) For the purposes of subsection (1), the destruction or loss of damage to the luggage or personal effects of a person referred to in section *three* shall be treated as having been sustained in the course of the journey of the person as a passenger in a State aircraft if the luggage or personal effects are destroyed, lost or damaged whilst in the aircraft.

### 5 Savings

Nothing in this Act shall be construed as—

- (a) affecting the operation within Zimbabwe of the Convention; or
- (b) derogating from any enactment or contract, including a contract of insurance, in terms of which a pension or other benefit is payable by the State or any person in respect of loss of life or bodily injury.