

earning capacity has been temporarily or permanently lost or diminished or his advancement been impeded or his needs been increased.

*Article 37*

(1) The person liable for damages shall be liable for each accident—

(a) for aircraft of less than one thousand kilograms gross weight (Fluggewicht) up to one hundred thousand German marks,

(b) for aircraft of more than one thousand but less than two thousand five hundred kilograms gross weight up to one hundred and seventy five thousand German marks,

(c) for larger aircraft up to seventy German marks for each kilogram of gross weight, to a maximum of five hundred and fifty thousand German marks.

Gross weight shall be deemed the maximum flight weight permissible for the licensing of the aircraft.

(2) A third of the amount calculated in accordance with paragraph (1) shall be applied to pay damages for injury to property, two-thirds shall be applied to pay damages for injuries to persons. Amounts hereunder provided for the payment of damages for injury to property which are not used therefor, may be used for injuries to persons. The maximum amount of damages for each person injured shall be five hundred and fifty thousand German marks.

(3) When an annuity is paid in lieu of a cash amount, the cash value of such annuity shall not exceed the maximum amounts specified in paragraphs (1) and (2).

(4) When the payment for damages due several persons because of the same event exceed the maximum amounts specified in paragraphs (1) and (2) the payment to each person shall diminish in the same ratio as that of the total amount to the maximum amount.

*Article 38*

(1) Damages for loss or diminution of earning capacity, impeding of advancement or increase in the needs of the injured person and the damages due a third person in accordance with Article 35, par. (2) shall be paid for the future in form of an annuity.

(2) Article 843, par. 2 to 4 of the Civil Code and Article 708 no. 6 of the Code of Civil Procedure shall apply accordingly. For the annuity payable to the injured person, Article 850b, par. 1, no. 1 and for the annuity payable to the third person, Article 850b, par. 1, no. 2 of the Code of Civil Procedure shall apply accordingly.

(3) In the case of judicial award of an annuity the person entitled thereto may at a later date demand the deposit of, or the increase in, a bond when the financial situation of the person who is liable has substantially deteriorated. This provision shall apply accordingly to debentures provided for in Article 794 no. 1 and 5 of the Code of Civil Procedure.

*Article 39*

(1) Damage claims under Articles 33 to 38 may not be maintained more than two years after the person entitled to the damages has received knowledge of the damage and of the person liable for the damage and regardless of such knowledge thirty years from the date of the accident.