

have the force of law in Saorstát Eireann in relation to any carriage by air, not being international carriage by air as so defined, specified in such order.

PART IV.

LIABILITY IN RESPECT OF DAMAGE CAUSED BY AIRCRAFT TO PERSONS AND PROPERTY ON LAND OR WATER, SURVIVAL OF CAUSES OF ACTION ARISING OUT OF SUCH LIABILITY, LIMITATION OF SUCH LIABILITY, AND COMPULSORY INSURANCE BY OWNERS OF AIRCRAFT AGAINST SUCH LIABILITY.

CHAPTER I.

Liability in Respect of Damage Caused by Aircraft to Persons or Property on Land or Water.

21.—(1) Where material damage or loss is caused to any persons or property on land or water by, or by any person in, or any article or person falling from, an aircraft while in flight, taking off or landing, the following provisions shall have effect, that is to say:—

Liability for damage caused by aircraft to persons or property on land or water.

(a) damages shall be recoverable from the owner of such aircraft in respect of such damage or loss, without proof of negligence or intention or other cause of action, as though the same had been caused by his wilful act, neglect, or default, except where the damage or loss was caused by or contributed to by the negligence of the person by whom the same was suffered;

(b) where such damage or loss is caused in circumstances in which—

(i) damages are recoverable from such owner in respect of such damage or loss by virtue only of the preceding provisions of this sub-section, and

(ii) a legal liability is created in some person, other than such owner, to pay damages in respect of such damage or loss, such owner shall be entitled to be indemnified by that other person against any claim in respect of such damage or loss.