

(b) the death of such person has been caused by the circumstances which gave rise to such cause of action, the damage recoverable for the benefit of his estate shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(4) No proceedings shall be maintainable in respect of a cause of action which, by virtue of this section, has survived against the estate of a deceased person unless either—

- (a) proceedings against him in respect of such cause of action were pending at the date of his death, or
- (b) such cause of action arises not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out administration.

(5) Where damage has been suffered by reason of any circumstances by reason of which a cause of action to which this section applies would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this section, to have been subsisting against him before his death such cause of action by reason of those circumstances as would have subsisted if he had died after the damage was suffered.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of the action in respect of which such proceedings are maintainable, shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by contract or promise.

24.—(1) Subject to the provisions of this section, a person or, as the case may be, his estate shall not, in respect of loss or damage which, after the commencement of this Chapter of this Part of this Act, is without any gross negligence or wilful misconduct on his part and without any gross negligence or wilful misconduct (to which he was privy) on the part of his servants or agents, caused on any one occasion to persons or property on land or water by, or by a person in, or an article or person falling from, any one aircraft while in flight, taking off, or landing, be liable to pay by way of damages an amount exceeding in the aggregate—

Limitation of liability for damage caused by aircraft to persons and property on land or water.