

Article 235. The acceptance of baggage or cargo without any protest on the part of the passenger or consignee, except for proof to the contrary, shall create a presumption that the goods were in good condition and in compliance with the transportation contract. No such presumption shall exist when, at the time of acceptance the passenger or consignee presents to the carrier a reservation in writing to the effect that the baggage or cargo had not been examined.

Article 236. In the case of damage to baggage or cargo the person who has a right to the delivery of the goods shipped, must present his claim to the carrier within three days from the date of receipt in the case of baggage, and within seven days in the case of cargo.

A claim for loss or delay of baggage or cargo must be presented within thirty days from the date on which, under the transportation contract, the goods should have been put at the disposal of the passenger or consignee or the person who has the right to receive the shipment.

Article 237. After the periods referred to in the preceding article have expired, all liability shall cease to exist.

Section III—Damages to Persons or Property of Third Persons on the Ground

Article 238. The operator of any national or foreign civil aircraft which flies over Nicaraguan territory shall be financially liable for damages and detriments caused to persons or property of third persons on the ground.

The person who suffers the damages shall be entitled to ask reparation from the Nicaraguan courts under the conditions established in this law by merely proving that the damages were caused by an aircraft in flight or by a person or article falling therefrom. However, there shall be no right to reparation when damages are not the direct consequence of the event which caused them or when they are due to the mere fact of passage of the aircraft through the airspace in conformity with the air traffic rules.

Article 239. For purposes of the liability provided for in the preceding article, the following shall be deemed the operator in the respective cases:

- a) The airline company;
- b) The carrier;
- c) The natural or legal person who has been granted the authorization in the case of private air services for profit;
- d) The owner of the aircraft in the case of aircraft in private service intended for personal use of the owner and non-profit.

Article 240. For purposes of this Code an aircraft shall be deemed in flight from the time when propulsive force is applied for take-off until termination of landing maneuvers. In the case of aircraft lighter than air, the expression "in flight" shall apply to the period beginning with the time when it is detached from the ground until it is again secured thereto.

Article 241. Any person not entitled to the use of an aircraft who uses it without the consent of the operator, shall be liable for any damage caused. Any operator who has not taken adequate measures to avoid unlawful use of his aircraft, shall be liable jointly with the tortfeasor for any damage.