

Regulations of Compensation For Damage Caused to Air Passengers & Freight

Promulgated on August 6, 1974.

Amended on June 3, 1982.

Amended on March 17, 1999.

Article 1

The Rules are enacted in accordance with the first paragraph of Article 93, Civil Aviation Act (hereinafter referred to as This Act).

Article 2

Unless otherwise provided by law or by special contract, the aircraft operator or consignor shall follow the provisions of The Rules in paying the amount of compensation for damage caused to passenger, freight or luggage.

The above said special contract should be in written form, the amount of compensation shall not be lower than the standards prescribed herein.

Article 3

The aircraft operator or consignor, as held liable to each and every passenger for damage under the first paragraph of article 91 of This Act, shall adhere to the standards below for making compensation. Nevertheless, if the victim can prove damage was much greater, he or she may request compensation beyond the set amount :

1) Death : NT\$3 ,000,000.

2) Severe injury : NT\$1,500,000.

If damage did not cause death or severe injury, compensation shall be commensurate with actual harms done, but not exceeding NT\$1,500,000 at the highest.

The so-called severe injury conforms in meaning to Item 4, Article 10 of the Criminal Code.

Article 4

The aircraft operator or consignor shall follow the compensation standards below for damage to freight or luggage carried aboard :

- 1) Freight and registered luggage : to be calculated by actual damage, but not exceeding NT\$1,000 per kilogram.
- 2) Carry-on baggage : to be calculated by actual damage, but not exceeding NT\$20,000 per passenger.

Article 5

The aircraft operator or consignor shall carry liability insurance at an amount not lower than that stipulated in the preceding two Articles.

Article 6

Where damage to passenger or freight was the result of willful or major neglect or wrongdoing on the part of the aircraft operator or consignor, liabilities will not be limited to the compensation standards prescribed herein.

The aircraft operator or consignor shall be equally liable for any wilful or major misconduct by their employees or representative in the execution of duties.

Article 7

The aircraft operator or consignor, in respect of damage to passenger, freight or luggage, shall effect payment within three months from the date request for compensation was received. However, they are exempted from doing so should litigation or other justifiable reasons render impossible to effect payment in three months.

Article 8

The aircraft operator or consignor shall serve proper notice on their extent of liability to the passenger or freight consignor. Where provisions as set forth herein or brief statements that have been printed on the passenger ticket or the airway bill, this may be regarded as proper notice.

Article 9

The Rules applies also to flight crew members working aboard an aircraft.

Article 10

The Rules goes into effect from the date of promulgation.