

Flight problems. Your rights under the Montreal Convention for delays to you and for damage, delay or loss of your baggage. FAQs.

The Montreal Convention (MC) is an international treaty, signed by almost all the countries in the world, which gives rights to air passengers who have flown on international (and some domestic) flights. It covers:

- Delays to passengers
- Delayed baggage
- Lost baggage
- Damaged baggage
- Accidents and personal injury

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What is the Montreal Convention and when does it apply?

The Montreal Convention (MC) is an international treaty, signed by almost all the countries in the world, which gives rights to air passengers who have flown on an international flight.

It applies to:

- Passengers on international flights (and some domestic flights)
- Loss, damage or delay to baggage while in the charge of the airline. This will cover periods it is in the hands of ground handlers
- Delay to passengers
- Death or injury to passengers

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Is the Montreal Convention affected by Brexit?

Brexit has made no difference to your rights under the Montreal Convention

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When does the Montreal Convention not apply?

It does not apply

- To non-international flights - except domestic flights in the UK and within EU countries
- To periods before passengers have embarked or after they have disembarked.
- If you do not comply with the timescales for complaining laid down in the convention.
- If you do not issue proceedings within two years.

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What is a non-international flight?

International carriage is given a wide definition. It covers any flights where the country you depart from and the country of your destination are countries which have signed the MC.

Passengers departing from the UK on a roundtrip beginning and ending here would be covered by the Convention. One way trips to non-Convention countries would not be covered but as there are so few of those it is of little practical significance.

The UK and the EU have extended the same protection to domestic flights within the UK and the EU so a flight from Newcastle to Heathrow or Edinburgh to Stansted or Paris to Marseille would be covered.

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My baggage has been delayed. How much compensation can I get?

Just about everyone who has flown knows that sinking feeling when they are the last person at the carousel and it dawns on you that your baggage is not going to arrive. Fortunately most baggage is not permanently lost and it will turn up sooner or later. If that is the case what can you do about it?

- You must complain within 21 days of receiving your baggage
- Your complaint must be made in writing
- The maximum you can claim is 1,288 SDRs. An SDR (Special Drawing Right) is an international unit of currency. (The value fluctuates but in October 2020 one pound was worth about 0.92 SDRs.)

In most airports there will be a desk where you can report your delayed baggage but if you cannot do this then you will still have 21 days after receiving your delayed baggage to make a complaint in writing. At the lost baggage desk you will probably be given a 'Property Irregularity Report' (PIR). Make sure you fill this in and keep a copy. You will need the information on it if you are going to make a claim.

What can you claim for?

You should be able to claim for reasonable expenses to cover things like cosmetics, underwear, laundry costs and essential clothing. This could extend to swimwear if you are on a beach holiday or more formal clothes if you were presenting at a prestigious international conference. However you must not treat the delay as an excuse to go out and buy a new wardrobe.

It is absolutely essential that you keep all your receipts for anything you buy because the airline may refuse to pay out if you cannot prove your losses.

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My baggage has been lost. How much compensation can I get?

- If your baggage does not come off the carousel make sure you get a copy of the PIR as if it had been delayed
- Your baggage will count as lost if it has not been delivered to you within 21 days.
- You will then have to make a claim in writing.

How much can you claim?

As with delayed baggage you can claim up to 1,288 SDRs

What can you claim for?

You can claim for the value of the suitcase and its contents. As with insurance the airline will ask you to prove the age and the value of the items by showing receipts or credit card bills. Airlines do not usually offer 'new for old' valuations. They will give you the second hand value of the items.

Sometimes the baggage turns up after you have made a claim so don't be tempted to claim for Armani clothes if you shop at Primark because that is fraud.

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My baggage has been damaged. How much compensation can I get?

- If your baggage has been damaged you must complain, in writing, to the airline, within seven days.
- Make sure you get a PIR
- As with loss or delay you are entitled to up to 1,288 SDRs

- You will probably be required to provide receipts or credit card evidence of the value of the damaged items.
- The airline is not responsible for damage to baggage caused by any 'inherent defect, quality or vice' so don't bother claiming for the dozen eggs you were carrying in your suitcase!
- The airline may provide you with a replacement case.

Although you can claim up to about £1,000 it is often surprising how much the items in your suitcase are worth so it is advisable to take out travel insurance just in case. Designer clothes, expensive cosmetics, a laptop or jewellery could easily put you over the Convention limit.

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My hand baggage been damaged/lost? How much compensation will I get?

Hand baggage, or carry on baggage, is treated differently from checked baggage which goes into the hold.

For checked baggage you do not have to prove the airline was at fault but for your carry on baggage you do have to prove it is the fault of the airline. For instance if a member of the cabin crew was assisting you to lift your laptop out of the overhead bin and they dropped it that would be the fault of the airline and you could make a claim. The same limit of 1,288 SDRs would apply and you should claim in writing within seven days.

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I have been delayed. How much compensation can I get?

The first thing to say here is that it is much easier to make a claim under EU Regulation 261/2004, if it applies, rather than under the Convention.

Regulation 261 applies to all flights leaving the EU and to all flights returning to the EU on an EU or UK registered airline, so for the vast majority of cases UK citizens flying out of the UK they will get the protection of Reg. 261 and its standard tariffs for delay. Click [here](#) for information on Reg. 261.

If you do not qualify under Reg. 261 you may be able to make a claim under the Convention.

If a passenger is delayed the compensation is more generous than if your baggage was delayed. You are entitled to up to 5,346 SDRs.

Unlike Reg. 261 where compensation is given automatically according to a pre-determined scale you will have to prove what your losses are e.g. the cost of hotel accommodation you could not take up because of the delay.

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My flight has been cancelled. How much compensation will I get?

If your flight has been cancelled before you have embarked the plane then the Convention does not apply.

If this is the case then you have a choice. You can make a claim under [Regulation. 261](#) or you can claim for breach of contract.

If Reg. 261 applies this is the preferable option but when it does not apply then your only option is to claim for breach of contract and you will have to prove any losses that you have incurred because of the cancellation.

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Have you suffered personal injury?

Compensation for death or personal injury is covered under the Convention but this is a specialist part of the law and you are best advised to take professional advice on this area of the law.

Further reading

[Montreal Convention](#)

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