

**TITLE/APPLICATION – 70**

(A) GENERAL

- (1) THIS TARIFF SHALL APPLY TO CARRIAGE OF PASSENGERS AND BAGGAGE, INCLUDING ALL SERVICES INCIDENTAL THERETO, PERFORMED BY VS UNDER LOCAL AND JOINT RATES AND CHARGES.
- (2) RULES APPLY TO LOCAL CARRIAGE VIA VS AND TO JOINT TRANSPORTATION VIA VS IN CONJUNCTION WITH OTHER PARTICIPATING CARRIERS.
- (3) FARES AND CHARGES OR MONETARY AMOUNTS SHOWN IN DOLLARS OR CENTS ARE STATED IN TERMS OF U.S. CURRENCY EXCEPT WHERE FARES AND CHARGES OR MONETARY AMOUNTS ARE SPECIFICALLY STATED AS BEING PUBLISHED IN CANADIAN CURRENCY OR OTHER CURRENCY.
- (4) RULES STATING ANY LIMITATION ON, OR CONDITIONS RELATING TO THE LIABILITY OF CARRIERS FOR PERSONAL INJURY OR DEATH ARE NOT PERMITTED TO BE INCLUDED IN TARIFFS FILED PURSUANT TO THE LAWS OF THE UNITED STATES, EXCEPT TO THE EXTENT PROVIDED IN RULE 55 (LIABILITY OF CARRIERS). NOTHING IN THIS TARIFF MODIFIES OR WAIVES ANY PROVISION OF THE WARSAW CONVENTION.
- (5) RULES IN THIS TARIFF GOVERN THE APPLICATION OF ALL FARES AND CHARGES PUBLISHED IN TARIFFS WHICH SPECIFICALLY REFER TO AND ARE MADE SUBJECT TO THIS TARIFF WITH SUCH EXCEPTIONS AS MAY BE EXPRESSLY STATED IN SUCH TARIFFS. THESE RULES CONSTITUTE THE CONDITIONS UPON WHICH EACH CARRIER TRANSPORTS OR AGREES TO TRANSPORT AND ARE EXPRESSLY AGREED TO BY THE PASSENGER TO THE SAME EXTENT AS IF SUCH RULES WERE INCLUDED AS CONDITIONS IN THE CONTRACT OF CARRIAGE.
- (6) THE RATES, FARES, CHARGES, CLASSIFICATIONS, RULES, REGULATIONS, PRACTICES AND SERVICES PROVIDED HEREIN AND IN TARIFFS GOVERNED BY THIS TARIFF HAVE BEEN FILED IN EACH COUNTRY IN WHICH FILING IS REQUIRED BY TREATY, CONVENTION OR AGREEMENT ENTERED INTO BETWEEN THAT COUNTRY AND CANADA, IN ACCORDANCE WITH THE PROVISIONS OF THE APPLICABLE TREATY, CONVENTION OR AGREEMENT.
- (7) EXCEPT AS OTHERWISE PROVIDED BELOW, FARE RULE PROVISIONS, LOCAL OR JOINT FARES, INCLUDING ARBITRATIES CONTAINED IN THE ON-LINE TARIFF DATABASE MAINTAINED BY AIRLINE TARIFF PUBLISHING COMPANY, AGENT ON BEHALF OF VS ARE CONSIDERED TO BE PART OF THIS TARIFF

**GRATUITOUS CARRIAGE - 71**

(B) GRATUITOUS CARRIAGE

WITH RESPECT TO GRATUITOUS CARRIAGE, CARRIER RESERVE THE RIGHT TO EXCLUDE THE APPLICATION OF ALL OR PART OF THIS TARIFF.

**CHANGE WITHOUT NOTICE - 72**

(C) CHANGE WITHOUT NOTICE

EXCEPT AS MAY BE REQUIRED BY APPLICABLE LAWS, GOVERNMENT REGULATIONS, ORDERS AND REQUIREMENTS, CARRIER'S RULES, REGULATIONS AND CONDITIONS OF CARRIAGE ARE SUBJECT TO CHANGE WITHOUT NOTICE; PROVIDED, THAT NO SUCH CHANGES SHALL APPLY TO A CONTRACT OF CARRIAGE AFTER THE ARRIVAL HAS COMMENCED.

(D) WHEN RULES OR PROVISIONS IN THIS TARIFF OR TARIFFS GOVERNED HEREBY PROVIDE FOR THE APPLICATION OF FARES AND CHARGES BASED UPON PERCENTAGES OF OTHER FARES AND

CHARGES, SUCH PROPORTIONATE FARES AND CHARGES WILL BE DETERMINED IN ACCORDANCE WITH THE PERCENTAGE CONVERSION INSTRUCTIONS OF THIS TARIFF.

**FARES IN EFFECT - 73**

**(E) EFFECTIVE RULES, FARES AND CHARGES**

(1) EXCEPT AS OTHERWISE PROVIDED HEREIN, THE APPLICABLE RULES, FARES AND CHARGES FOR CARRIAGE OF PASSENGERS AND/OR BAGGAGE ARE THOSE DULY PUBLISHED BY VS AND SHALL BE THOSE IN EFFECT ON THE DATE OF COMMENCEMENT OF CARRIAGE COVERED BY THE FIRST FLIGHT COUPON OF THE TICKET. WHEN THE FARES OR CHARGES COLLECTED ARE NOT THE APPLICABLE FARES OR CHARGES, THE DIFFERENCE WILL BE REFUNDED TO OR COLLECTED FROM THE PASSENGER, AS MAY BE APPROPRIATE.

(2) (APPLICABLE ONLY TO SALE AND TICKETS ISSUED IN THE U.S.A. FOR LOCAL AND JOINT TRANSPORTATION ORIGINATING IN THE U.S.A.)

NO INCREASE WILL BE COLLECTED IN CASES WHERE THE TICKET HAS BEEN ISSUED PRIOR TO THE EFFECTIVE DATE OF A TARIFF CONTAINING AN INCREASE IN THE APPLICABLE FARE, EFFECTED THROUGH A CHANGE IN FARE LEVEL, A CHANGE IN CONDITIONS GOVERNING THE FARE, OR CANCELLATION OF THE FARE ITSELF, PROVIDED:

(i) THE ORIGINATING FLIGHT COUPON OF THE TICKET WAS ISSUED FOR A SPECIFIC FLIGHT AT THE FARE CONTAINED IN A TARIFF LAWFULLY IN EFFECT ON THE DATE OF TICKET ISSUANCE (DETERMINED BY THE VALIDATION ON THE TICKET);

(ii) THE ORIGINATING FLIGHT SHOWN ON THE TICKET IS NOT VOLUNTARILY CHANGED AT THE PASSENGER'S REQUEST SUBSEQUENT TO THE EFFECTIVE DATE OF ANY INCREASE IN THE APPLICABLE FARE:

NOTE: THE PROVISIONS OF SUB-PARAGRAPH (i) AND (ii) ABOVE WILL NOT APPLY TO TICKETS ISSUED AT PUBLISHED STANDBY FARES.

(iii) THESE PROVISIONS SHALL APPLY ONLY TO THE PASSENGER TO WHOM THE TICKET WAS ORIGINALLY ISSUED. FURTHERMORE, THESE PROVISIONS WILL NOT APPLY TO SALES MADE OUTSIDE THE U.S.A. FOR TICKETS TO BE ISSUED IN THE U.S.A.