

☐ RESOLUTION 010

INTERPRETATION AND HIERARCHY OF RULES PERTAINING TO THE SALES AGENCY PROGRAMME

PAC1(50)010(except USA) Expiry: Indefinite PAC2(50)010 Expiry: Indefinite Type: B

PAC3(50)010

WHEREAS Resolution 824 provides for a form of Passenger Sales Agency Agreement to be adopted and implemented by the Agency Administrator;

WHEREAS Section 2 of Resolution 824 stipulates the Rules, Resolutions and other provisions deemed to be incorporated by reference in the said Passenger Sales Agency Agreement;

WHEREAS Resolution 824, as well as said Rules, Resolutions and other provisions may be amended from time to time by the Conference;

WHEREAS the Conference wishes to clarify the rules of interpretation and the hierarchy that applies to such Rules, Resolutions and other provisions;

WHEREBY it is hereby RESOLVED as follows:

1. DEFINITIONS

the definitions of terms and expressions used in this Resolution are contained in Resolution 866.

2. APPLICATION

this Resolution applies, unless an express contrary intention appears, to all Rules, Resolutions and other provisions of the Agency Programme, whether enacted before or after the commencement of this Resolution.

3. AUTHORITY OF CONFERENCE

- **3.1** the authority to enact, amend or repeal any of the Rules, Resolutions or other provisions incorporated in the Passenger Sales Agency Agreement lies exclusively with the Conference. The Agency Administrator, IATA, the Carriers, the Airlines, the Agents and the Travel Agency Commissioners are all bound by the decisions of the Conference regarding the Agency Programme.
- 3.2 notwithstanding the above, the Conference may, from time to time, delegate by Resolution power to IATA, to the ISS Management, or to the Agency Administrator, (as well as delegate to the Agency Programme Joint Council the power to make recommendations to the Conference) including, without limitation, that the Conference has delegated to the Agency Administrator the responsibility and power to manage the Agency Programme in accordance with the Members' rules and resolutions, as well as the autonomy to act in extraordinary circumstances. Any such delegation of power shall be deemed to include such ancillary power as is reasonably necessary to

enable the relevant person or entity to act. Where a power is conferred to adopt rules or provisions or to set standards, the power shall be construed as including a power to repeal, amend or vary the rules, provisions or standards and the power to make others.

4. HIERARCHY OF SOURCES

- **4.1** the following hierarchy of sources of rights and obligations continues to apply in connection with the Agency Programme:
- 1st. any Applicable Law;
- 2nd. the form of Passenger Sales Agency Agreement embodied in Resolution 824;
- 3rd. any contractual document specifically executed by the Agent and by IATA, acting on behalf of the Carriers:
- 4th. all other Resolutions of the Conference contained in the Travel Agent's Handbook;
- 5th. any Local Financial Criteria, as approved by the Conference; and
- 6th. any and all applicable rules and provisions included in the BSP Manual for Agents.
- **4.2** in the event of any inconsistency between two sources of rights and obligations with respect to any matter specifically dealt with by both, the provisions of the higher-ranking source governs. In such a case, the inferior-ranking source remains in force but simply does not apply to the extent of the inconsistency.
- **4.3** in case of inconsistency between two sources of equal ranking, the most recently-enacted instrument prevails.
- **4.4** the Conference may exceptionally provide that a source of inferior ranking, such as a Local Financial Criteria, will prevail, but such provision by the Conference must be explicit and it can never be inferred or presumed.

5. ENTRY INTO FORCE, AMENDMENTS AND REPEALS OF RESOLUTIONS

- **5.1** Resolutions come into force at the time that they are declared to be effective by the Conference and provided to the Agent in accordance with Resolution 824. They remain in effect and apply to facts, circumstances and situations arising thereafter and shall not have retroactive effect.
- **5.2** every Resolution shall be so construed as to reserve to the Conference the power of rescinding or amending it. Where a Resolution is rescinded or amended in whole or in part, the rescission or amendment does not affect the previous operation of the Resolution so rescinded or anything duly done or suffered thereunder, or affect any right, privilege, obligation or liability acquired, accrued, accruing or incurred prior to the deemed effective date of such rescission or amendment. All rules and provisions adopted under the rescinded Resolution remain in force and are deemed to have been made under the new Resolution, in so far as they are not inconsistent with the

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new Resolution or have not themselves been expressly rescinded, in which case the new Resolution shall prevail.

5.3 amendments to Resolutions can be declaratory or remedial, depending on circumstances and no inference one way or another can be drawn from the amendment, unless specified in the amendment.

6. RULES OF INTERPRETATION

- **6.1** subject to any governmental or other state approval as may be required, every Resolution applies globally wherever the Passenger Agency Programme is in effect, unless a contrary intention is expressed in the Resolution in which case the Resolution concerned applies only to the areas or countries mentioned as such.
- **6.2** a Resolution shall be considered as always applicable, and where a matter or thing is expressed in the present tense, it shall be applied to the circumstances as they arise, so that effect may be given to the enactment according to its true spirit, intent and meaning.
- **6.3** the preamble of a Resolution shall be read as a part of the Resolution intended to assist in explaining its purport and object.
- **6.4** any word contained in a Resolution in the singular number includes the plural; any word importing any gender includes the masculine, feminine and neuter genders; any word importing a person includes a corporation, a partnership and any other entity and vice-versa.

7. COMPUTATION OF TIME

- **7.1** where the time limit determined for the execution of a provision expires or falls on a bank holiday in the country of the Agent's Approved Location, the action may be executed on the immediate day following that is not a bank holiday.
- **7.2** where the time limit determined for the execution of a provision is expressed to begin after or to be from a specified day, the computation of such time period does not include that day. Where there is a reference to a number of days between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included.

8. LANGUAGE

where Resolutions are adopted in another language in addition to English, or where administrative translations of Resolutions are prepared, the English version shall prevail.

RESOLUTION 800 PASSENGER SALES AGENCY RULES

△ PAC2(50)800

Expiry: Indefinite

PAC3(50)800 Type: B

This Resolution is applicable in the following countries and/or territories:

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Afghanistan, Algeria, Angola, Armenia, Belarus, Bhutan, Brunei Darussalam, Burundi, Cape Verde, Christmas Island, Cocos (Keeling) Islands, Cuba, Comoros, Democratic People's Republic of Korea (DPRK), Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Falkland Islands/Malvinas, Gambia, Guinea, Guinea-Bissau, Indian Ocean Islands, Islamic Republic of Iran, Iraq, Israel, Laos (Peoples' Democratic Republic), Liberia, Libya, Madagascar, Maldives, Myanmar, Sao Tome and Principe, Seychelles, Sierra Leone, Somalia, Sudan, Tajikistan, Timor Leste, Turkmenistan, and Uzbekistan.

RESOLVED that, the following Rules are adopted and implemented:

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ATTACHMENT 'A'-NOTICE OF CHANGE

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