



Congenital Disabilities (Civil Liability) Act 1976

1976 CHAPTER 28

4 Interpretation and other supplementary provisions.

(1) References in this Act to a child being born disabled or with disabilities are to its being born with any deformity, disease or abnormality, including predisposition (whether or not susceptible of immediate prognosis) to physical or mental defect in the future.

(2) In this Act—

- (a) “born” means born alive (the moment of a child’s birth being when it first has a life separate from its mother), and “birth” has a corresponding meaning; and
- (b) “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

[^{F1}and references to embryos shall be construed in accordance with [^{F2}section 1(1) of the Human Fertilisation and Embryology Act 1990 and any regulations under section 1(6) of that Act]]

(3) Liability to a child under section 1 [^{F3}1A]

or 2 of this Act is to be regarded—

- (a) as respects all its incidents and any matters arising or to arise out of it; and
- (b) subject to any contrary context or intention, for the purpose of construing references in enactments and documents to personal or bodily injuries and cognate matters,

as liability for personal injuries sustained by the child immediately after its birth.

(4) No damages shall be recoverable under [^{F4}any]

of those sections in respect of any loss of expectation of life, nor shall any such loss be taken into account in the compensation payable in respect of a child under the ^{M1}Nuclear Installations Act 1965 as extended by section 3, unless (in either case) the child lives for at least 48 hours.

Changes to legislation: There are currently no known outstanding effects for the Congenital Disabilities (Civil Liability) Act 1976, Section 4. (See end of Document for details)

[^{F5}(4A) In any case where a child carried by a woman as the result of the placing in her of an embryo or of sperm and eggs or her artificial insemination is born disabled, any reference in section 1 of this Act to a parent includes a reference to a person who would be a parent but for sections 27 to 29 of the Human Fertilisation and Embryology Act 1990.] [^{F6}or sections 33 to 47 of the Human Fertilisation and Embryology Act 2008.]

- (5) This Act applies in respect of births after (but not before) its passing, and in respect of any such birth it replaces any law in force before its passing, whereby a person could be liable to a child in respect of disabilities with which it might be born; but in section 1(3) of this Act the expression “liable in tort” does not include any reference to liability by virtue of this Act, or to liability by virtue of any such law.
- (6) References to the ^{M2}Nuclear Installations Act 1965 are to that Act as amended; and for the purposes of section 28 of that Act (power by Order in Council to extend the Act to territories outside the United Kingdom) section 3 of this Act is to be treated as if it were a provision of that Act.

Textual Amendments

- F1** Words in s. 4(2) inserted (1.8.1991) by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), [s. 44\(2\)\(a\)](#); S.I. 1991/1400, [art. 2\(2\)](#)
- F2** Words in s. 4(2) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 7 para. 1](#); S.I. 2009/2232, art. 2(y)
- F3** Word in s. 4(3) inserted (1.8.1991) by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), [s. 44\(2\)\(b\)](#); S.I. 1991/1400, [art.2\(2\)](#)
- F4** Word in s. 4(4) substituted (1.8.1991) by [Human Fertilisation and Embryology Act 1990 \(c.37, SIF 83:1\)](#), [s. 44\(2\)\(c\)](#); S.I. 1991/1400, [art.2\(2\)](#)
- F5** S. 4(4A) inserted (1.8.1991) by [Human Fertilisation and Embryology Act 1990 \(c. 37, SIF 83:1\)](#), [s. 35\(4\)](#); S.I. 1991/1400, [art.2\(2\)](#)
- F6** Words in s. 4(4A) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 15](#); S.I. 2009/479, art. 6(1)(d) (with art. 7Sch.)

Marginal Citations

- M1** 1965 c. 57.
- M2** 1965 c. 57.

Changes to legislation:

There are currently no known outstanding effects for the Congenital Disabilities (Civil Liability) Act 1976, Section 4.