



# Civil Liability (Contribution) Act 1978

## 1978 CHAPTER 47

### *Supplemental*

#### **5 Application to the Crown.**

Without prejudice to section 4(1) of the <sup>M1</sup>Crown Proceedings Act 1947 (indemnity and contribution), this Act shall bind the Crown, but nothing in this Act shall be construed as in any way affecting Her Majesty in Her private capacity (including in right of Her Duchy of Lancaster) or the Duchy of Cornwall.

#### **Marginal Citations**

**M1** 1947 c. 44.

#### **6 Interpretation.**

- (1) A person is liable in respect of any damage for the purposes of this Act if the person who suffered it (or anyone representing his estate or dependants) is entitled to recover compensation from him in respect of that damage (whatever the legal basis of his liability, whether tort, breach of contract, breach of trust or otherwise).
- (2) References in this Act to an action brought by or on behalf of the person who suffered any damage include references to an action brought for the benefit of his estate or dependants.
- (3) In this Act “dependants” has the same meaning as in the <sup>M2</sup>Fatal Accidents Act 1976.
- (4) In this Act, except in section 1(5) above, “action” means an action brought in England and Wales.

#### **Marginal Citations**

**M2** 1976 c. 30.

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*Changes to legislation: There are currently no known outstanding effects for the Civil Liability (Contribution) Act 1978, Cross Heading: Supplemental. (See end of Document for details)*

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## 7 Savings.

- (1) Nothing in this Act shall affect any case where the debt in question became due or (as the case may be) the damage in question occurred before the date on which it comes into force.
- (2) A person shall not be entitled to recover contribution or liable to make contribution in accordance with section 1 above by reference to any liability based on breach of any obligation assumed by him before the date on which this Act comes into force.
- (3) The right to recover contribution in accordance with section 1 above supersedes any right, other than an express contractual right, to recover contribution (as distinct from indemnity) otherwise than under this Act in corresponding circumstances; but nothing in this Act shall affect—
  - (a) any express or implied contractual or other right to indemnity; or
  - (b) any express contractual provision regulating or excluding contribution;
 which would be enforceable apart from this Act (or render enforceable any agreement for indemnity or contribution which would not be enforceable apart from this Act).

## 8 Application to Northern Ireland.

In the application of this Act to Northern Ireland—

- (a) the reference in section 2(3)(b) to section 1 of the <sup>M3</sup>Law Reform (Contributory Negligence) Act 1945 or section 5 of the <sup>M4</sup>Fatal Accidents Act 1976 shall be construed as a reference to section 2 of the <sup>M5</sup>Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948 or Article 7 of the <sup>M6</sup>Fatal Accidents (Northern Ireland) Order 1977;
- (b) the reference in section 5 to section 4(1) of the <sup>M7</sup>Crown Proceedings Act 1947 shall be construed as a reference to section 4(1) of that Act as it applies in Northern Ireland;
- (c) the reference in section 6(3) to the <sup>M8</sup>Fatal Accidents Act 1976 shall be construed as a reference to the Fatal Accidents (Northern Ireland) Order 1977;
- (d) references to England and Wales shall be construed as references to Northern Ireland; and
- (e) any reference to an enactment shall be construed as including a reference to an enactment of the Parliament of Northern Ireland and a Measure of the Northern Ireland Assembly.

### Marginal Citations

- M3** 1945 c. 28.  
**M4** 1976 c. 30.  
**M5** 1948 c. 23 (N.I.)  
**M6** S.I. 1977/1251 (N.I. 18)  
**M7** 1947 c. 44.  
**M8** 1976 c. 30.

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**Changes to legislation:** There are currently no known outstanding effects for the Civil Liability (Contribution) Act 1978, Cross Heading: Supplemental. (See end of Document for details)

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## **9 Consequential amendments and repeals.**

- (1) The enactments specified in Schedule 1 to this Act shall have effect subject to the amendments set out in that Schedule, being amendments consequential on the preceding provisions of this Act.
- (2) The enactments specified in Schedule 2 to this Act are hereby repealed to the extent specified in column 3 of that Schedule.

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### **Modifications etc. (not altering text)**

- C1** The text of S. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

## **10 Short title, commencement and extent.**

- (1) This Act may be cited as the Civil Liability (Contribution) Act 1978.
- (2) This Act shall come into force on 1st January next following the date on which it is passed.
- (3) This Act, with the exception of paragraph 1 of Schedule 1 thereto, does not extend to Scotland.

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Liability (Contribution) Act 1978,  
Cross Heading: Supplemental.