



Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948

1948 CHAPTER 23

2 Apportionment of liability in tort where more than one person is at fault.

^{F1}(1) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage:

Provided that—

- (a) this sub-section shall not operate to defeat any defence arising under a contract;
 - (b) where any contract or enactment providing for the limitation of liability is applicable to the claim, the amount of damages recoverable by the claimant by virtue of this sub-section shall not exceed the maximum limit so applicable.
- (2) Where damages are recoverable by any person by virtue of the preceding sub-section subject to such reduction as is therein mentioned, the court shall find and record the total damages which would have been recoverable if the claimant had not been at fault.

Subs.(3) rep. by 1978 c.47; subs.(4) rep. by 1977 NI 18

- (5) Where, in any case to which sub-section (1) of this section applies, one of the persons at fault or his personal representative avoids liability to any other such person or his personal representative by pleading any enactment limiting the time within which proceedings may be taken, he shall not be entitled to recover any damages...^{F2} from that other person or representative by virtue of the said sub-section.
- (6) Where any case to which sub-section (1) of this section applies is tried with a jury, the jury shall determine the total damages which would have been recoverable if the claimant had not been at fault and the extent to which those damages are to be reduced.

Subs.(7) rep. by 1961 c.27

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948, Section 2. (See end of Document for details)

F1 1947 c.44

F2 1978 c.47

Modifications etc. (not altering text)

C1 S. 2 applied (1.4.2007) by Water and Sewerage Services (Northern Ireland) Order 2006 (S.I. 2006/3336 (N.I. 21)), arts. 1(2), **298(4)** (with arts. 8(8), 121(3), 307); S.R. 2007/194, **art. 2(2)**, Sch. 1 Pt. II (subject to art. 3, Sch. 2)

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1948, Section 2.