



Law Reform (Contributory Negligence) Act 1945

1945 CHAPTER 28 8 and 9 Geo 6

An Act to amend the law relating to contributory negligence and for purposes connected therewith. [15th June 1945]

Modifications etc. (not altering text)

- C1** Act extended by [Crown Proceedings Act 1947 \(c. 44\), s. 4\(3\)](#), (E.W.) [Animals Act 1971 \(c. 22\), s. 10](#) and [Merchant Shipping \(Oil Pollution\) Act 1971 \(c. 59\), s. 1\(5\)](#)
- C2** Act extended (E.W.) by [Water Act 1981 \(c.12, SIF 130\), ss. 6\(4\)\(7\), 7\(2\)](#)
- C3** Act extended (S.) by [Animals \(Scotland\) Act 1987 \(c.9, SIF 4:6\), s. 1\(6\)](#)
- C4** Act modified by [Consumer Protection Act 1987 \(c.43, SIF 109:1\), ss. 6\(4\), 41\(2\), 47 \(1\)\(2\)](#)
- C5** Act applied by [Merchant Shipping \(Oil Pollution\) Act 1971 \(c.59, SIF 111\), s. 1](#) (as substituted (*prosp.*) by [Merchant Shipping Act 1988 \(c.12, SIF 111\), ss. 34, 58\(2\), Sch. 4 para. 1](#))
- C6** Act amended (*prosp.*) by [Environmental Protection Act 1990 \(c.43, SIF 46:4\), ss. 73\(9\)\(b\), 164\(3\)](#)
- C7** Act applied (with modifications) (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 208\(4\), 225\(2\)](#) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- C8** Act: definition of "fault" applied (E.W.) (1.12.1991) by [Water Resources Act 1991 \(c. 57, SIF 130\), ss. 208\(7\), 225\(2\)](#) (with ss. 16(6), 179, 222(3), Sch. 22 para. 1, Sch. 23 para. 6)
- C9** Act applied (1.10.1994) by [1971 c. 59, s. 1A\(4\)](#) (as inserted (1.10.1994) by [1994 c. 28, s. 6, Sch. 3 Pt. I para. 1](#); [S.I. 1994/1988, art. 3, Sch. 2](#) and which 1994 Act was repealed (1.1.1996) by [1995 c. 21, ss. 314, 316\(2\), Sch. 12](#)(with s. 312(1))
- C10** Act applied (30.5.1996) by [1995 c. 21, ss. 153\(8\), 154\(4\), 171\(1\)](#), (with ss. 167(1), 169, 312(1)); [S.I.1996/1210, art. 2](#)
Act applied (temp.from 1.1.1996 to 29.5.1996) by [1995 c. 21, ss. 153\(5\), 154\(4\), 171\(1\), 316\(2\), Sch. 4](#) (with ss. 167(1), 169, 312(1))
- C11** Act applied by [1995 c. 21, s. 156A](#) (as inserted (21.11.2008) by [Merchant Shipping \(Oil Pollution\) \(Bunkers Convention\) Regulations 2006 \(S.I. 2006/1244\), regs. 1\(2\), 9](#) (with reg. 1(5)))
- C12** Act applied (25.7.2013) by [The Credit Rating Agencies \(Civil Liability\) Regulations 2013 \(S.I. 2013/1637\), reg. 15\(2\)](#)
- C13** Act modified by [Road Traffic Act 1988 \(c. 52\), ss. 12E, 12H\(9\)](#) (as inserted (10.3.2017) by [Deregulation Act 2015 \(c. 20\), ss. 73\(3\), 115\(7\)](#); [S.I. 2017/273, art. 2\(a\)](#))

Status: Point in time view as at 10/03/2017.

Changes to legislation: There are currently no known outstanding effects for the Law Reform (Contributory Negligence) Act 1945. (See end of Document for details)

Commencement Information

II Act wholly in force at Royal Assent

1 Apportionment of liability in case of contributory negligence.

(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 subsection 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 subsection shall not exceed the maximum limit so applicable.

(2) Where damages are recoverable by any person by virtue of the foregoing subsection 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.

(3) F1

(4) F2

(5) Where, in any case to which subsection (1) of this section applies, one of the persons at fault avoids liability to any other such person or his personal representative by pleading the ^{M1}Limitation Act 1939, or any other enactment limiting the time within which proceedings may be taken, he shall not be entitled to recover any damages [^{F3}or contributions] from that other person or representative by virtue of the said subsection.

(6) Where any case to which subsection (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.

(7) F4

Textual Amendments

F1 S. 1(3) repealed by [Civil Liability \(Contribution\) Act 1978 \(c. 47\)](#), [Sch. 2](#)

F2 S. 1(4) repealed by [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 2](#)

F3 Words repealed (E.W.) by [Civil Liability \(Contribution\) Act 1978 \(c. 47\)](#), [Sch. 2](#)

F4 S. 1(7) repealed by Carriage by [Air Act 1961 \(c. 27\)](#), [Sch. 2](#)

Marginal Citations

M1 1939 c. 21.

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Textual Amendments

F5 S. 2 repealed by [National Insurance \(Industrial Injuries\) Act 1946 \(c. 62\)](#), [Sch. 9](#)

3 Saving for Maritime Conventions Act 1911, and past cases.

- (1) This Act shall not apply to any claim to which section one of the ^{M2}Maritime Conventions Act 1911, applies and that Act shall have effect as if this Act had not passed.
- (2) This Act shall not apply to any case where the acts or omissions giving rise to the claim occurred before the passing of this Act.

Marginal Citations

M2 1911 c. 57.

4 Interpretation.

The following expressions have the meanings hereby respectively assigned to them, that is to say—

“court” means, in relation to any claim, the court or arbitrator by or before whom the claim falls to be determined;

“damage” includes loss of life and personal injury;

^{F6}

“fault” means negligence, breach of statutory duty or other act or omission which gives rise to a liability in tort or would, apart from this Act, give rise to the defence of contributory negligence.

Textual Amendments

F6 Definitions repealed by [National Insurance \(Industrial Injuries\) Act 1946 \(c. 62\)](#), [Sch. 9](#) and [Fatal Accidents Act 1976 \(c. 30\)](#), [Sch. 2](#)

5 Application to Scotland.

In the application of this Act to Scotland—

- (a) the expression “dependant” means, in relation to any person, any person who would in the event of such first mentioned person’s death through the fault of a third party be entitled to sue that third party for damages or solatium; and the expression “fault” means wrongful act, breach of statutory duty or negligent act or omission which gives rise to liability in damages, or would apart from this Act, give rise to the defence of contributory negligence;
- [^{F7}(b) section 3 of the ^{M3}Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (contribution among joint wrongdoers) shall apply in any case where two or more persons are liable, or would if they had all been sued be liable, by virtue of section 1(1) of this Act in respect of the damage suffered by any person.]

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(c) for subsection (4) of section one the following subsection shall be substituted—

(4) Where any person dies as the result partly of his own fault and partly of the fault of any other person or persons, a claim by any dependant of the first mentioned person for damages or solatium in respect of that person's death shall not be defeated by reason of his fault, but the damages or solatium recoverable shall be reduced to such extent as the court thinks just and equitable having regard to the share of the said person in the responsibility for his death.

Textual Amendments

F7 S. 5(b) substituted by [Civil Liability \(Contribution\) Act 1978 \(c. 47\)](#), [Sch. 1 para. 1](#)

Marginal Citations

M3 1940 c. 42.

6 Provisions as to Northern Ireland.

(1) ^{F8}

(2) This Act, . . . ^{F9} shall not extend to Northern Ireland.

Textual Amendments

F8 S. 6(1) repealed by Carriage by [Air Act 1961 \(c. 27\)](#), [Sch. 2](#)

F9 Words repealed by Carriage by [Air Act 1961 \(c. 27\)](#), [Sch. 2](#)

7 Short title and extent.

This Act may be cited as the Law Reform (Contributory Negligence) Act 1945.

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