



Law Reform (Contributory Negligence) Act 1945

1945 CHAPTER 28 8 and 9 Geo 6

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;
 - [^{F1}(b) section 3 of the ^{M1}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.]
 - (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

F1 S. 5(b) substituted by [Civil Liability \(Contribution\) Act 1978 \(c. 47\)](#), [Sch. 1 para. 1](#)

Marginal Citations

M1 [1940 c. 42](#).

Changes to legislation:

There are currently no known outstanding effects for the Law Reform (Contributory Negligence) Act 1945, Section 5.