
CHAPTER 244

THE LAW REFORM (MISCELLANEOUS PROVISIONS) ACT

Arrangement of Sections

Section

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3. Savings for Maritime Convention Act, 1911, and past cases.
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LAW REFORM (MISCELLANEOUS PROVISIONS)

(26th October, 1957.)

16/1957.

1. This Act may be cited as the Law Reform **Short title.**
(Miscellaneous Provisions) Act.

2. (1) In this section—

"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;

Apportionment of liabilities in case of contributory negligence.

"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.

(2) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person, 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 defences 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.

(3) Where damages are recoverable by any person by virtue of the foregoing subsection subject to any 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.

Cap. 78. (4) Where any person dies as the result partly of his own fault and partly of the fault of any other person or persons, and accordingly, if an action were brought for the benefit of the estate under section 2 of the Causes of Action (Survival) Act, the damages recoverable would be reduced under subsection (2), any damages recoverable in an action brought for the benefit of the wife, husband, parent or child of the deceased person under the Fatal Accidents Act shall be reduced to a proportionate extent.

Cap. 166.

(5) Where, in any case to which subsection (2) applies, one of the persons at fault 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 or contributions from that other person or representative by virtue of the said subsection.

(6) Where any case to which subsection (2) 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) Article 21 of the Convention contained in the First Schedule to the Carriage by Air Act, 1932, (which empowers a Court to exonerate wholly or partly a carrier who proves that the damage was caused by or contributed to by the negligence of the injured person) shall have effect subject to the provisions of this section. 22 & 23 Geo. V
c. 36.

3. Section 2 shall not apply —

(a) to any claim to which section 1 of the Maritime Conventions Act, 1911, applies, and that Act shall have effect as if this Act had not been passed; or

(b) to any case where the acts or omissions giving rise to the claim occurred before the passing of this Act.

Savings for Maritime Convention Act, 1911, and past cases.
1 & 2 Geo. V.
c. 57.

4. (1) The doctrine of common employment at common law is hereby abolished, and it shall not be a defence to an action against a defendant for damages in respect of personal injuries caused by the wrongful act, neglect or default of a person employed by the defendant, that that person was at the time of the occurrence which caused the injuries in common employment with the plaintiff.

Abolition of doctrine of common employment.

(2) Every provision in a contract of service or apprenticeship, or in an agreement collateral thereto (including a contract or agreement entered into before the commencement of this Act) is void in so far as it had the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the wrongful act, neglect or default of any person in common employment with him.

(3) In this section, "personal injuries" includes any disease and any impairment of a person's physical or mental condition.

(4) This section binds the Crown.

Liability of owner of dog for injury to persons, poultry and small stock.

5. (1) In this section—

"poultry" means domestic fowls, turkeys, geese, ducks and guinea fowls;

"small stock" means calves, heifers, sheep, goats and swine.

(2) The owner of a dog shall be liable in damages for injury done to any person, poultry or small stock by that dog; and it shall not be necessary for the person seeking such damages to show a previous mischievous propensity in the dog, or the owner's knowledge of such previous propensity, or to show that the injury was attributable to neglect on the part of the owner.

(3) Where any such injury has been done by a dog, the occupier of any house or premises where the dog was kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog, and shall be liable for the injury unless he proves that he was not the owner of the dog at that time:

Provided that where there are more occupiers than one in any house or premises let in separate apartments, or lodgings, or otherwise, the occupier of that particular part of the house or premises in which the dog has been kept or permitted to live or remain at the time of the injury shall be presumed to be the owner of the dog.
