
CHAPTER 82**TORTFEASORS****ARRANGEMENT OF SECTIONS**

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CHAPTER 82

TORTFEASORS

An Act to amend the law relating to proceedings against, and contribution between tortfeasors. *2 cf 1995*

*[Assent 10th February, 1995]
[Commencement 13th February, 1995]*

1. This Act may be cited as the Tortfeasors Act, 1995. Short title
2. (1) In this Act — Interpretation

“dependants” means the wife, husband, parent or child of a deceased person or who is, or is the issue of, a brother, sister, uncle or aunt of a deceased person;

“tortfeasor” means a person who commits a wrong or breach of duty, arising independently of contract, committed as regards the personal or proprietary rights of a person.

(2) The reference in this Act to “the judgment first given” shall, in a case where that judgment is reversed on appeal, be construed as a reference to the judgment first given which is not so reversed and, in a case where a judgment is varied on appeal, be construed as a reference to that judgment as so varied.

3. Where damage is suffered by any person as a result of a tort (whether a crime or not) — Proceedings against and contribution between joint and several tortfeasors
- (a) judgment recovered against any tortfeasor liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tortfeasor in respect of the same damage;
- (b) if more than one action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the dependants of that person, against tortfeasors liable in respect of the damage (whether as joint tortfeasors or otherwise) the sums recoverable under the judgments

given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the court is of the opinion that there was reasonable ground for bringing the action;

- (c) any tortfeasor liable in respect of that damage may recover contribution from any other tortfeasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tortfeasor or otherwise, so, however, that no person shall be entitled to recover contribution under this Act from any person entitled to be indemnified by him in respect of the liability in respect of which the contribution is sought.

Amount of contribution recoverable.

4. In any proceedings for contribution under this Act the amount of the contribution recoverable from any person shall be such as may be found by the court to be just and equitable having regard to the extent of that person's responsibility for the damage.

Powers of the court.

5. In any proceedings for contribution under this Act the court shall have power —

- (a) to exempt any person from liability to make contribution; or
 (b) to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

Application of Act.

6. Nothing in this Act shall —

- (a) apply with respect to any tort committed before the commencement of this Act;
 (b) affect any criminal proceedings against any person in respect of any wrongful act; or
 (c) render enforceable any agreement for indemnity which would not have been enforceable if this Act had not been passed.

Application to Crown.

7. This Act binds the Crown.