

THE LAW REFORM (HUSBAND  
AND WIFE) ACT

Act  
11 of 1970.

[28th April, 1970.]

1. This Act may be cited as the Law Reform (Husband and Wife) Act. Short title.

2.—(1) Subject to the provisions of this section, each of the parties to a marriage shall have the like right of action in tort against the other as if they were not married. Actions in tort between husband and wife.

(2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears—

- (a) that no substantial benefit would accrue to either party from the continuation of the proceedings; or
- (b) that the question or questions in issue could more conveniently be disposed of on an application made under section 16 of the Married Women's Property Act (determination of questions between husband and wife as to the title to or possession of property),

and without prejudice to paragraph (b) the court may, in such an action, either exercise any power which could be exercised on an application under the said section 16, or give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

(3) Provision shall be made by rules of court for requiring the court to consider at an early stage of the proceedings whether the power to stay an action under subsection (2) should or should not be exercised.

*LAW REFORM (HUSBAND AND WIFE)*

(4) In subsection (1) the expression "the parties to a marriage" includes the persons who were parties to a marriage which has been dissolved.

Saving for  
certain  
causes of  
action.

3. This Act does not apply to any cause of action which arose, or would, but for the subsistence of a marriage have arisen, before the 28th April, 1970.