



THE REPUBLIC OF KENYA

LAWS OF KENYA

LAW REFORM ACT

CHAPTER 26

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CHAPTER 26

LAW REFORM ACT

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CHAPTER 26**LAW REFORM ACT***[Date of assent: 17th December, 1956.]**[Date of commencement: 18th December, 1956.]***An Act of Parliament to effect reforms in the law relating to civil actions and prerogative writs***[Act No. 48 of 1956, Act No. 16 of 1960, L.N. 2/1964, L.N. 87/1964, Act No. 21 of 1966.]***PART I – PRELIMINARY****1. Short title**

This Act may be cited as the Law Reform Act.

PART II – SURVIVAL OF CAUSES OF ACTION**2. Effect of death on certain causes of action**

(1) Subject to the provisions of this section, on the death of any person after the commencement of this Act, all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of, his estate:

Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims for damages on the ground of adultery.

(2) Where a cause of action so survives for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person—

- (a) shall not include any exemplary damages;
- (b) in the case of a breach of promise to marry, shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry; and
- (c) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of a cause of action in tort which by virtue of this section has survived against the estate of a deceased person unless either—

- (a) proceedings against him in respect of that cause of action were pending at the date of his death; or
- (b) proceedings are taken in respect thereof not later than six months after his executor or administrator took out representation.

(4) Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if