

**Contributory Negligence and Personal Injuries Act
(CHAPTER 54)**

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**CONTRIBUTORY NEGLIGENCE AND PERSONAL INJURIES ACT
(CHAPTER 54)**

(Original Enactment: Ordinance 37 of 1953)

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(31st December 2002)

An Act relating to contributory negligence and for purposes connected therewith and to abolish the defence of common employment.

[1st March 1954]

Short title

1. This Act may be cited as the Contributory Negligence and Personal Injuries Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“court”, in relation to any claim, means the court or arbitrator by or before whom the claim falls to be determined;

“damage” includes loss of life and personal injury;

“dependant” means any person for whose benefit an action could be brought under section 20 of the Civil Law Act (Cap. 43);

“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.

Apportionment of liability in case of contributory negligence

3.—(1) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, 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.

(2) Subsection (1) shall not operate to defeat any defence arising under a contract.

(3) Where any contract or written law providing for the limitation of liability is applicable to the claim, the amount of damages recoverable by the claimant under subsection (1) shall not exceed the maximum limit so applicable.

(4) Where damages are recoverable by any person under subsection (1) subject to such 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.

(5) 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 10 of the Civil Law Act (Cap. 43), the damages recoverable would be reduced under subsection (1), any damages recoverable in an action brought for the benefit of —

- (a) the dependants of that person under section 20 of the Civil Law Act; or
- (b) any person under section 21 of the Civil Law Act,