Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937

1937 CHAPTER 9

An Act to establish a real representative; to amend the law relating to the capacity, property and liabilities of married women, and the liabilities of husbands; to amend the law as to the effect of death in relation to causes of action; and to amend the law relating to proceedings against, and contribution between, tort-feasors, and as to the awarding of interest in civil proceedings; and for purposes connected with the matters aforesaid. [7th July 1937]

Part I (ss.1-8) rep. (exc. as to deaths after 6.7.1937 and before 1.1.1956) by 1955 c. 24 (NI)

PART II

CAPACITY, PROPERTY, AND LIABILITIES OF MARRIED WOMEN; AND LIABILITIES OF HUSBANDS

9 Capacity of married women.

Subject to the provisions of this Part of this Act, …[F1], a married woman shall—

(a) be capable of acquiring, holding, and disposing of, any property; and

(b) be capable of rendering herself, and being rendered, liable in respect of any tort, contract, debt or obligation; and

(c) be capable of suing and being sued, either in tort or in contract or otherwise; and

(d) be subject to the law relating to bankruptcy and to the enforcement of judgments and orders,

in all respects as if she were a feme sole.

Changes to legislation: *There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937. (See end of Document for details)*

F1 1964 c.23 (NI)

10 Property of married women.

(1) Subject to the provisions of this Part of this Act, all property which—

(a) immediately before the commencement of this Act was the separate property of a married woman or held for her separate use in equity; or

(b) belongs at the time of her marriage to a woman married after the commencement of this Act; or

(c) after the commencement of this Act is acquired by or devolves upon a married woman,

shall belong to her in all respects as if she were a feme sole and may be disposed of accordingly:

Proviso rep. by 1952 c. 19 (NI). Subs. (2)(3) rep. by 1952 c. 19 (NI)

11 Abolition of husband's liability for wife's torts and ante- nuptial contracts, debts and obligations.

Subject to the provisions of this Part of this Act, the husband of a married woman shall not, by reason only of his being her husband, be liable—

(a) in respect of any tort committed by her whether before or after the marriage, or in respect of any contract entered into, or debt or obligation incurred, by her before the marriage; or

(b) to be sued, or made a party to any legal proceeding brought in respect of any such tort, contract, debt or obligation.

12 Savings.

(1) Nothing in this Part of this Act shall—

Para. (a) rep. by SLR 1976; para. (b) spent

(c) enable any judgment or order against a married woman in respect of a contract entered into, or debt or obligation incurred, before the commencement of this Act, to be enforced in bankruptcy or to be enforced otherwise than against her property.

(2) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act—

(a) renders the husband of a married woman liable in respect of any contract entered into, or debt or obligation incurred, by her after the marriage in respect of which he would not have been liable if this Act had not been passed;

(b) exempts the husband of a married woman from liability in respect of any contract entered into, or debt or obligation (not being a debt or obligation arising out of the commission of a tort) incurred, by her after the marriage in respect of which he would have been liable if this Act had not been passed;

(c) prevents a husband and wife from acquiring, holding and disposing of, any property jointly or as tenants in common, or from rendering themselves, or being rendered, jointly liable in respect of any tort, contract, debt or obligation, and of suing and being sued either in tort or in contract or otherwise, in like manner as if they were not married;

(d) prevents the exercise of any joint power given to a husband and wife.

S. 13(1), with First Schedule, effects amendments; subs. (2) rep. by SLR (NI) 1952

PART III [F2]

EFFECT OF DEATH ON CERTAIN CAUSES OF ACTION

F2 1977 NI 15

14 Effect of death on certain causes of action.

[F3](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 sub-section shall not apply to causes of action for defamation[F4]... ... [F5].

[[F4](1A) The right of a person to claim under Article 3A of the Fatal Accidents (Northern Ireland) Order 1977 (bereavement) shall not survive for the benefit of his estate on his death.**]**

[F4](2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person—

[[F4](a) shall not include—

(i) any exemplary damages;

(ii) any damages for loss of income in respect of any period after that person's death;**]**

[F4]Para. (b) rep. by 1984 NI 14

(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.

Subs. (3) rep. by 1954 c. 26 (NI); 1958 c. 10 (NI)

(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 that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Part of this Act, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

(5) The rights conferred by this Part of this Act for the benefit of the estate of deceased persons shall be in addition to, and not in derogation of, any rights conferred on the dependents of deceased persons by [[F6] the Fatal Accidents (Northern Ireland) Order 1977], and so much of this Part of this Act as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under [[F6] that Order] as it applies in relation to other causes of action not excepted from the operation of sub-section (1) of this section.

... [F7]