



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

1937 CHAPTER 9

PART III ^{F1}

EFFECT OF DEATH ON CERTAIN CAUSES OF ACTION

F1 1977 NI 15

14 Effect of death on certain causes of action.

^{F2}(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^{F3}...
...^{F4} .

[^{F3}(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.]

^{F3}(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—

[^{F3}(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;]

^{F3}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

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

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 [^{F5} 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 [^{F5} that Order] as it applies in relation to other causes of action not excepted from the operation of sub-section (1) of this section.

... ^{F6}

- (6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract or promise.
- (7) Section seventeen of the Motor Vehicles and Road Traffic Act (Northern Ireland), 1934 , is hereby repealed, but without prejudice to any proceedings taken under the said section and pending at the date on which this section comes into operation; and any provision in any enactment which is inconsistent with this section is hereby repealed.

F2	1958 c.10 (NI)
F3	1982 c. 53
F4	SLR (NI) 1954; 1978 NI 15
F5	1977 NI 18
F6	1954 c.26 (NI)

S. 15 rep. by 1959 c. 18 (NI); 1977 NI 18

Changes to legislation:

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