

SCHEDULES

SCHEDULE 1

Section 9(1).

CONSEQUENTIAL AMENDMENTS

The Law Reform (Contributory Negligence) Act 1945

- 1 For section 5(6) of the Law Reform (Contributory Negligence) Act 1945 (application to Scotland) there shall be substituted—
- “(b) section 3 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1940 (contribution among joint wrongdoers) shall apply in any case where two or more persons are liable, or would if they had all been sued be liable, by virtue of section 1(1) of this Act in respect of the damage suffered by any person.”

The Public Utilities Street Works Act 1950

- 2 In section 19(4) of the Public Utilities Street Works Act 1950 (indemnity in respect of damage by execution of works)—
- (a) for the words " within the meaning of the Law Reform (Married Women and Tortfeasors) Act 1935 " there shall be substituted the words " suffered by the authority as a result of a tort "; and
- (b) for the words "section six of that Act" there shall be substituted the words " section 1 of the Civil Liability (Contribution) Act 1978 ".

The Statute of Limitations (Northern Ireland) 1958

- 3 For section 10 of the Statute of Limitations (Northern Ireland) 1958 there shall be substituted the following section—

“10 Time-limit for claiming contribution.

- (1) Where under section 1 of the Civil Liability (Contribution) Act 1978 any person becomes entitled to a right to recover contribution in respect of any damage from any other person, no action to recover contribution by virtue of that right shall be brought after the end of the period of two years from the date on which that right accrued.
- (2) For the purposes of this Act the date on which a right to recover contribution in respect of any damage accrues to any person (in this subsection referred to as " the relevant date ") shall be ascertained as follows, that is to say—
- (a) if the person in question is held liable in respect of that damage by a judgment given in any civil proceedings, or an award made on any arbitration, the relevant date shall be the date on which the judgment is given, or the date of the award, as the case may be ;

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- (b) if, in any case not falling within the preceding paragraph, the person in question makes or agrees to make any payment to one or more persons in compensation for that damage (whether he admits any liability in respect of the damage or not), the relevant date shall be the earliest date on which the amount to be paid by him is agreed between him (or his representative) and the person (or each of the persons, as the case may be) to whom the payment is to be made ;

and for the purposes of this subsection no account shall be taken of any judgment or award given or made on appeal in so far as it varies the amount of damages awarded against the person in question.”

- 4 In section 8(e)(iii) of that Act, and in section 50(9) of that Act (as substituted by Article 4(3) of the Limitation (Northern Ireland) Order 1976), for the words " by a tortfeasor under section 16 of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1937 " there shall be substituted the words " under section 1 of the Civil Liability (Contribution) Act 1978 ".

The Carriage by Air Act 1961

- 5 (1) In section 4(1) of the Carriage by Air Act 1961 (limitation of liability) paragraph (a) shall be omitted.
- (2) In section 5(2) of that Act, for the word " tortfeasors " there shall be substituted the words " persons liable for any damage to which the Convention relates ".

The Limitation Act 1963

- 6 For section 4 of the Limitation Act 1963 (time-limit for claiming contribution between tortfeasors) there shall be substituted the following section: —

“4 Time-limit for claiming contribution.

- (1) Where under section 1 of the Civil Liability (Contribution) Act 1978 any person becomes entitled to a right to recover contribution in respect of any damage from any other person, no action to recover contribution by virtue of that right shall (subject to subsection (3) of this section) be brought after the end of the period of two years from the date on which that right accrued.

- (2) For the purposes of this section the date on which a right to recover contribution in respect of any damage accrues to any person (in this subsection referred to as " the relevant date ") shall be ascertained as follows, that is to say—

- (a) if the person in question is held liable in respect of that damage by a judgment given in any civil proceedings, or an award made on any arbitration, the relevant date shall be the date on which the judgment is given, or the date of the award, as the case may be ;
- (b) if, in any case not falling within the preceding paragraph, the person in question makes or agrees to make any payment to one or more persons in compensation for that damage (whether he admits any liability in respect of the damage or not), the relevant date shall be the earliest date on which the amount to be paid by him is agreed between him (or his representative) and the person (or each of the persons, as the case may be) to whom the payment is to be made ;

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and for the purposes of this subsection no account shall be taken of any judgment or award given or made, on appeal in, so far as it varies the amount of damages awarded against the person in question.

(3) Sections 22(1) and 26 of the Limitation Act 1939 (which make provision for cases of disability, fraud and mistake) shall each have effect as if any reference therein to that Act included a reference to subsection (1) of this section, and "section 2(1) of the Limitation (Enemies and War Prisoners) Act 1945 shall be amended by adding at the end of the definition of " statute of limitation " the words " subsection (1) of section 4 of the Limitation Act 1963 ".

(4) , In this section references to an action and to section 22(1) or section 26 of the Limitation Act 1939 shall be construed as including references respectively to an arbitration and to the, said section 22(1) or, as the case ., may be," section 26 as applied to arbitrations by section 27(1) of that Act; and subsections (3) to (7) of section 27 (which relate to the application of that Act to arbitrations) shall apply for the purposes of this section."."

The Carriage of Goods by Road Act 1965

7 In section 5(1) of the Carriage of Goods by Road Act 1965 (exclusion, as respects carriers, of the general law with respect to contribution between persons liable for the same damage), for the words from " section 6(1)(c)" to "(Northern Ireland) 1937" there shall be substituted the words " section 1 of the Civil Liability (Contribution) Act 1978 ".

The Carriage by Railway Act 1972

8 In section 6(2) of the Carriage by Railway Act 1972 (special provision with respect to actions against railway undertakings), for the words " section 6(1)(a) of the Law Reform (Married Women and Tortfeasors) Act 1935 " there shall be substituted the words " section 3 of the Civil Liability (Contribution) Act 1978 ".