



Law Reform (Husband and Wife) Act 1962

1962 CHAPTER 48

1 Actions in tort between husband and wife.

- (1) Subject to the provisions of this section, each of the parties to a marriage shall have the like right of action in tort against the other as if they were not married.
- (2) Where an action in tort is brought by one of the parties to a marriage against the other during the subsistence of the marriage, the court may stay the action if it appears—
 - (a) that no substantial benefit would accrue to either party from the continuation of the proceedings; or
 - (b) that the question or questions in issue could more conveniently be disposed of on an application made under section seventeen of the Married Women's Property Act, 1882 (determination of questions between husband and wife as to the title to or possession of property);and without prejudice to paragraph (b) of this subsection the court may, in such an action, either exercise any power which could be exercised on an application under the said section seventeen, or give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.
- (3) Provision shall be made by rules of court for requiring the court to consider at an early stage of the proceedings whether the power to stay an action under subsection (2) of this section should or should not be exercised; and rules under the County Courts Act, 1959, may confer on the registrar any jurisdiction of the court under that subsection.
- (4) This section does not extend to Scotland.