



# Liability for War Damage (Miscellaneous Provisions) Act 1939

1939 CHAPTER 102 2 and 3 Geo 6

## 1 Liabilities in respect of bailments.

- (1) Where, in the case of the bailment of any goods, whether before or after the commencement of this Act, an obligation is imposed on the bailor or bailee by the provisions (whether express or implied) of any contract or by any enactment, rule of law or custom—
- to insure against loss of or damage to the goods;
  - to repair damage to the goods;
  - to replace the goods in the event of loss;
  - to restore the goods or deliver them up in good repair, notwithstanding such loss or damage;
  - to continue to pay for the hire of the goods, notwithstanding such loss or damage; or
  - to pay damages or compensation for any loss of or damage to the goods;
- the obligation shall, subject to the following provisions of this section, be deemed not to extend to loss or damage by war.
- (2) Nothing in this section shall relieve a bailee of any liability for loss of or damage to any goods occurring while the goods are being kept or transported in a manner or at a place which is contrary to the terms of any contract relating to the custody or transport thereof, unless the bailee satisfies the court, in any proceedings brought to enforce any such liability, that he had reasonable grounds for believing that the goods were less likely to be lost or damaged while being kept or transported in that manner or at that place than while being kept or transported in accordance with the terms of the contract.
- (3) Nothing in this section shall relieve a bailor or bailee of any liability imposed by any contract if the liability is expressly related to war by the terms of the contract: Provided that this subsection shall not apply to any liability imposed on a bailee by—
- <sup>F1</sup>(a) a hire-purchase agreement or a conditional sale agreement within the meaning of the <sup>M1</sup>Consumer Credit Act 1974 being (in either case) a consumer credit agreement as defined by that Act; or

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**Changes to legislation:** There are currently no known outstanding effects for the Liability for War Damage (Miscellaneous Provisions) Act 1939, Section 1. (See end of Document for details)

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(b) a consumer hire agreement as defined by that Act.]

**Textual Amendments**

**F1** S.1(3)(a)(b) substituted by [Consumer Credit Act 1974 \(c. 39\)](#), s. 192(4), **Sch. 4 Pt. 1 para. 9**

**Marginal Citations**

**M1** 1974 c. 39.

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There are currently no known outstanding effects for the Liability for War Damage (Miscellaneous Provisions) Act 1939, Section 1.