



Law Reform (Miscellaneous Provisions) (Scotland) Act 1940

1940 CHAPTER 42 3 and 4 Geo 6

3 Contribution among joint wrongdoers.

- (1) Where in any action of damages in respect of loss or damage arising from any wrongful acts or negligent acts or omissions two or more persons are, in pursuance of the verdict of a jury or the judgment of a court found jointly and severally liable in damages or expenses, they shall be liable inter se to contribute to such damages or expenses in such proportions as the jury or the court, as the case may be, may deem just: Provided that nothing in this subsection shall affect the right of the person to whom such damages or expenses have been awarded to obtain a joint and several decree therefor against the persons so found liable.
- (2) Where any person has paid any damages or expenses in which he has been found liable in any such action as aforesaid, he shall be entitled to recover from any other person who, if sued, might also have been held liable in respect of the loss or damage on which the action was founded, such contribution, if any, as the court may deem just.
- (3) Nothing in this section shall—
 - (a) apply to any action in respect of loss or damage suffered before the commencement of this Act; or
 - (b) affect any contractual or other right of relief or indemnity or render enforceable any agreement for indemnity which could not have been enforced if this section had not been enacted.

Modifications etc. (not altering text)

- C1 S. 3 amended by [Crown Proceedings Act 1947 \(c. 44\)](#), [ss. 4\(2\)](#), [43\(b\)](#); applied by [Law Reform \(Contributory Negligence\) Act 1945 \(c. 28\)](#), [ss. 1](#), [5\(b\)](#) and [Public Utilities Street Works Act 1950 \(c. 39\)](#), [ss. 19](#), [36\(4\)](#); excluded by [Carriage of Goods by Road Act 1965 \(c. 37\)](#), [s. 5](#)
- C2 S. 3 modified by [Consumer Protection Act 1987 \(c. 43, SIF 109:1\)](#), [ss. 6\(1\)\(b\)](#), [41\(2\)](#), [47\(1\)\(2\)](#)
S. 3 modified (2.10.2000) by [1998 c. 42, s. 8\(5\)\(a\)](#) (with [ss. 7\(8\)](#), [22\(5\)](#)); S.I. 2000/1851, [art. 2](#)
- C3 S. 3 excluded (25.6.2010) by [The Rail Passengers' Rights and Obligations Regulations 2010 \(S.I. 2010/1504\)](#), [regs. 1\(2\)](#), [5\(3\)](#), [5\(4\)](#)

Changes to legislation: Law Reform (Miscellaneous Provisions) (Scotland) Act 1940, Section 3 is up to date with all changes known to be in force on or before 18 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- C4** S. 3 excluded (21.4.2021) by Automated and Electric Vehicles Act 2018 (c. 18), **ss. 6(5)**, 21; S.I. 2021/396, reg. 3(a)
- C5** S. 3 (1)(2) applied by Animals (Scotland) Act 1987 (c. 9, SIF 4:6), **s. 1(7)**
- C6** S. 3(2) extended (31.3.2001) by 1996 c. 31, **s. 3(9)** (with s. 20(2)); S.S.I. 2001/98, **art. 3(a)**
- C7** S. 3(2) modified by Competition Act 1998 (c. 41), Sch. 8A paras. 16(3), 38(4) (as inserted (9.3.2017) by S.I. 2017/385, reg. 1(2), **Sch. 1 para. 4** (with Sch. 1 para. 5))
- C8** S. 3(2) applied by Competition Act 1998 (c. 41), Sch. 8A paras. 38(4)(b), 41(3)(b) (as inserted (9.3.2017) by S.I. 2017/385, reg. 1(2), **Sch. 1 para. 4** (with Sch. 1 para. 5))
- C9** S. 3(2) restricted (cond.) (7.12.2021) by Redress for Survivors (Historical Child Abuse in Care) (Scotland) Act 2021 (asp 15), **ss. 46(5)(b)**, ; S.S.I. 2021/419, **reg. 2**
- C10** S. 3(2) applied (8.8.2022) by Defamation and Malicious Publication (Scotland) Act 2021 (asp 10), **ss. 15(3)**, 39(2); S.S.I. 2022/154, regs. 1(2), 2

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Changes and effects yet to be applied to :

- s. 3 modified by [2024 asp 1 s. 8\(4\)](#)