



Law Reform Act 1995

Reprinted as in force on 9 April 2003

Reprint No. 3

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Information about this reprint

This Act is reprinted as at 9 April 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

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Law Reform Act 1995

[as amended by all amendments that commenced on or before 9 April 2003]

An Act to abolish the rule of common employment, to consolidate provisions reforming the law and to make provision for other reforms, and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Law Reform Act 1995*.

2 Act is, in part, a consolidation

- (1) This Act, as in force at the commencement of this section, is, in part, a consolidation of provisions of the *Law Reform (Abolition of the Rule of Common Employment) Act 1951* (the **existing provisions**) and provisions relocated from the following Acts (the **relocated provisions**)—
 - *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*
 - *Law Reform (Husband and Wife) Act 1968*
 - *Voluntary Aid in Emergency Act 1973*.
- (2) The Act is also a consolidation of provisions of the law about the age of majority and the legal capacity of persons whose relationship is husband and wife.
- (3) To remove any doubt, it is declared that the relocated provisions were not re-enacted by the *Statute Law Revision Act (No. 2) 1995*, but merely moved (without re-enactment) from the Acts in which they were enacted to this Act.

- (4) Without limiting subsections (1) and (3) and to further remove any doubt, it is also declared that the relocation to this Act of the relocated provisions did not impliedly repeal or amend, or otherwise affect the operation of, the existing provisions, the relocated provisions or the provisions of any other law and, in particular, did not affect the meaning or effect that the existing or relocated provisions, or the provisions of the other law, had because of the respective times when they were enacted.
- (5) In addition, it is declared that the relocation did not—
 - (a) affect any jurisdiction or power of a court or judge; or
 - (b) affect any principle or rule of law or equity; or
 - (c) affect any right, privilege or liability; or
 - (d) revive anything not existing or in force.

Part 2 Abolition of rule of common employment

3 Defence of common employment abolished

- (1) It shall not be a defence to an employer who is sued in respect of any injury or damage caused by the wrongful act, neglect, or default of a person employed by him or her, that that person was at the time the injury or damage was caused in common employment with the person suffering that injury or damage.
- (2) Any provision contained in a contract of service or apprenticeship, or in an agreement collateral thereto (including a contract or agreement entered into before the commencement of this section), shall be void in so far as it would have the effect of excluding or limiting any liability of the employer in respect of personal injuries caused to the person employed or apprenticed by the wrongful act, neglect, or default of any persons in common employment with him or her.

4 Application to Crown

This part binds the Crown and instrumentalities of the Crown.

Part 3 Tortfeasors contribution and contributory negligence

Division 1 Preliminary

4A Application of part

This part applies subject to the *Civil Liability Act 2003*.

5 Definitions for pt 3

In this part—

court means, in relation to any claim, the court or arbitrator by or before whom the claim falls to be determined.

damage includes loss of life and personal injury.

dependant means any person for whose benefit an action could be brought under the *Supreme Court Act 1995*, section 17.¹

wrong means an act or omission that—

- (a) gives rise to a liability in tort for which a defence of contributory negligence is available at common law; or
- (b) amounts to a breach of a contractual duty of care that is concurrent and coextensive with a duty of care in tort.

¹ *Supreme Court Act 1995*, section 17 (Liability for death caused wrongfully)

Division 2 Proceedings against, and contribution between, tortfeasors

6 Proceedings against, and contribution between, joint and several tortfeasors

Where damage is suffered by any person as a result of a tort (whether a crime or not)—

- (a) judgment recovered against any tortfeasor liable in respect of that damage shall not be a bar to an action against any other person who would, if sued, have been liable as a joint tortfeasor in respect of the same damage;
- (b) if more than 1 action is brought in respect of that damage by or on behalf of the person by whom it was suffered, or for the benefit of the estate, or of the spouse, parent, or child of that person, against tortfeasors liable in respect of the damage (whether as joint tortfeasors or otherwise)—the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given; and in any of those actions, other than that in which judgment is first given, the plaintiff shall not be entitled to costs unless the court is of opinion that there was reasonable ground for bringing the action;
- (c) any tortfeasor liable in respect of that damage may recover contribution from any other tortfeasor who is, or would if sued have been, liable in respect of the same damage, whether as a joint tortfeasor or otherwise, so, however, that no person shall be entitled to recover contribution under this section from any person entitled to be indemnified by the person in respect of the liability in respect of which the contribution is sought.

7 Amount of contribution and power of the court

In any proceedings for contribution under this division the amount of the contribution recoverable from any person shall be such as may be found by the court to be just and equitable

having regard to the extent of that person's responsibility for the damage; and the court shall have power to exempt any person from liability to make contribution, or to direct that the contribution to be recovered from any person shall amount to a complete indemnity.

8 Additional definitions for div 2

In this division—

child see *Supreme Court Act 1995* (the *1995 Act*), part 4.²

judgment first given means—

- (a) for a judgment reversed on appeal—the first judgment given that is not later reversed on appeal; or
- (b) for a judgment varied on appeal—the judgment as varied.

parent see the 1995 Act, part 4.

spouse has the meaning given by section 18 of the 1995 Act and includes a spouse as provided for under section 303 of that Act.

9 Application of division

- (1) This division does not—
 - (a) apply to a tort committed before 12 January 1953;³ or
 - (b) affect a criminal prosecution against a person; or
 - (c) render enforceable an agreement for indemnity that would not otherwise have been enforceable.
- (2) However, subsection (1)(c) does not apply to a claim for contribution or any liability arising from that claim if—
 - (a) the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*,

² *Supreme Court Act 1995*, part 4 (Provisions from Common Law Practice Act 1867)

³ This is the commencement date of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*.

repealed section 7, would have applied to the claim apart from its repeal; and

- (b) the act or omission giving rise to the claim happened before 1 June 1968.⁴

Division 3 Contributory negligence

10 Apportionment of liability in case of contributory negligence

- (1) If a person (the *claimant*) suffers damage partly because of the claimant's failure to take reasonable care (*contributory negligence*) and partly because of the wrong of someone else—
- (a) a claim in relation to the damage is not defeated because of the claimant's contributory negligence; and
- (b) the damages recoverable for the wrong are to be reduced to the extent the court considers just and equitable having regard to the claimant's share in the responsibility for the damage.
- (2) Subsection (1) does not operate to defeat any defence arising under a contract.
- (2A) If a contract or enactment providing for the limitation of liability applies to the claim, the amount of damages recoverable by the claimant because of subsection (1) is not to exceed the maximum limit applying to the claim.
- (3) Where damages are recoverable by any person by virtue of subsection (1) subject to such reduction as is therein mentioned, the court shall find and record the total damages which would have been recoverable if the claimant had not been guilty of contributory negligence.
- (4) Division 2 shall apply in any case where 2 or more persons are liable or would, if they had all been sued, be liable by virtue of subsection (1) in respect of the damage suffered by any person.

⁴ This is the commencement date of the *Law Reform (Husband and Wife) Act 1968*.

- (5) Where any person dies as the result partly of his or her own failure to take reasonable care and partly of the wrong of any other person or persons, and accordingly if an action were brought for the benefit of the estate under the *Succession Act 1981*, section 66⁵ the damages recoverable would be reduced under subsection (1), any damages recoverable in an action brought for the benefit of the dependants of that person under the *Supreme Court Act 1995*, section 17 shall be reduced to a proportionate extent.
- (6) Where, in any case to which subsection (1) applies, one of the persons responsible for the damage avoids liability to any other such person or the person's personal representative by pleading the *Limitation of Actions Act 1974* or another Act limiting the time within which proceedings may be taken, the person shall not be entitled to recover any damages or contributions from that other person or representative by virtue of the said subsection.
- (7) Where any case to which subsection (1) applies is tried with a jury, the jury shall determine the total damages which would have been recoverable if the claimant had not been guilty of contributory negligence and the extent to which those damages are to be reduced.

11 Application of division

This division does not apply to a case if the acts or omissions giving rise to the claim happened before 12 January 1953.⁶

5 *Succession Act 1981*, section 66 (Survival of actions)

6 This is the commencement date of the *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*.

Part 4

Civil remedies between persons whose relationship is husband and wife

12 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 that no substantial benefit would accrue to either party from the continuation of the proceedings.
- (3) In subsection (1)—
parties to a marriage includes reference to persons who were parties to a marriage that has been annulled or dissolved.

13 Wife's remedy for loss or impairment of consortium

- (1) Where a person causes injury to another by wrongful act, neglect or default, whether or not the injury results in death, the person shall be liable in damages to the wife of the injured person for loss or injury suffered by her as a result of the loss or impairment of the consortium of husband and wife.
- (2) The damages shall be assessed in the same manner as upon a claim by a husband for damages in tort in respect of loss or impairment of consortium.

14 Application of part

This part shall not be construed to confer a right of action in respect of a wrongful act, neglect or default that occurred—

- (a) before 1 June 1968, where the application of section 12 is in question;
- (b) before 1 January 1985, where the application of section 13 is in question.

Part 5 Voluntary aid in emergency

15 Definitions for pt 5

In this part—

injured person includes a person suffering or apparently suffering from an illness.

medical practitioner includes a person registered under a law of another State that provides for the same matter as the *Medical Practitioners Registration Act 2001* or a provision of that Act.

nurse means a person registered as a nurse under the *Nursing Act 1992* or a corresponding law of another State or a Territory.

16 Protection of medical practitioners and nurses and other prescribed persons

Liability at law shall not attach to a medical practitioner, nurse or other person prescribed under a regulation in respect of an act done or omitted in the course of rendering medical care, aid or assistance to an injured person in circumstances of emergency—

- (a) at or near the scene of the incident or other occurrence constituting the emergency;
- (b) while the injured person is being transported from the scene of the incident or other occurrence constituting the emergency to a hospital or other place at which adequate medical care is available;

if—

- (c) the act is done or omitted in good faith and without gross negligence; and
- (d) the services are performed without fee or reward or expectation of fee or reward.

Part 6 Age of majority

17 What is age of majority

The age of majority is 18 years.

Part 7 Legal capacity of persons whose relationship is husband and wife

18 Capacity

- (1) A married person has a legal personality that is independent, separate and distinct from the legal personality of the person's husband or wife.
- (2) A married person has the same legal capacity that the person would have if the person were unmarried.

Part 8 Attachment of wages

18A Wages of public service employees may be attached

- (1) A court may, in a proceeding, order the attachment or charging of the salary or wages of a public service employee or other employee of the State to satisfy a debt, liability, action or other amount ordered by the court to be paid.
- (2) Also, the registrar of a court may order the attachment or charging of the salary or wages of a public service employee or other employee of the State to satisfy a debt, liability, action or other amount ordered by the court to be paid.
- (3) This section has effect despite any other Act or rule of law to the contrary.

Part 9 **Miscellaneous****19** **Regulation-making power**

The Governor in Council may make regulations under this Act.

20 **References to certain Acts and provisions**

(1) In an Act or document, a reference to any of the following Acts may, if the context permits, be taken to be a reference to this Act, and a reference (whether express or implied) to a provision of any of the following Acts that was located to this Act may, if the context permits, be taken to be a reference to the corresponding provision of this Act—

- *Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952*
- *Law Reform (Husband and Wife) Act 1968*
- *Voluntary Aid in Emergency Act 1973*.

(2) In an Act or document, a reference to the *Law Reform (Abolition of the Rule of Common Employment) Act 1951* is a reference to this Act.

Part 10 **Transitional provision for Law Reform (Contributory Negligence) Amendment Act 2001****21** **Amendments about contributory negligence to have retrospective effect**

(1) The provisions of part 3, divisions 1 and 3 apply to a wrong that happened before the commencement as if the provisions, in their form as amended by the amending Act, had been in force when the wrong happened.

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- (2) However, the provisions, as in force before the commencement, continue to apply to a wrong if any of the following apply—
- (a) the wrong relates to a WorkCover damages injury sustained before 1 July 2001 for which final relief has not been granted by a court before the commencement;
 - (b) a proceeding about the wrong—
 - (i) was started before the commencement; and
 - (ii) final relief has not been granted by the court before the commencement;
 - (c) a court has, before the commencement, granted final relief for the wrong;
 - (d) the persons responsible for the damage have, before the commencement, entered into an agreement to settle claims arising from the wrong, including an agreement about liability only.
- (3) Subsection (2)(a) applies whether or not a proceeding has been started about the wrong.
- (4) For a proceeding for subsection (2)(a) or (b), any rule, regulation or other law that would have been applicable to the proceeding had the amending Act not been enacted continues to apply to the proceeding as if the amending Act had not been enacted.
- (5) In this section—

amending Act means the *Law Reform (Contributory Negligence) Amendment Act 2001*.

commencement means the commencement of this section.

final relief, for a wrong, means a judgment or decision about the wrong, including a judgment or decision about liability only, whether or not an appeal has been made against the judgment or decision.

proceeding means a proceeding before a court.

WorkCover damages injury means an injury within the meaning of the *WorkCover Queensland Act 1996* for which the injured person has an entitlement to damages under that Act.

Endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 9 April 2003. Future amendments of the Law Reform Act 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Law Reform Act 1995—historical context

The Law Reform Act 1995 was not enacted in 1995. It is a consolidation (see s 2) of provisions of the Law Reform (Abolition of the Rule of Common Employment) Act 1951 and provisions relocated from the following Acts—

- Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952
- Law Reform (Husband and Wife) Act 1968
- Voluntary Aid in Emergency Act 1973.

4 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

5 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

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Reprint No.	Amendments to	Effective	Reprint date
1	1995 Act No. 58	28 November 1995	8 December 1995
1A	1996 Act No. 79	28 November 1995	16 January 1997
1B	1997 Act No. 82	5 December 1997	16 December 1997
2	1997 Act No. 82	5 December 1997	5 May 2000
2A	2000 Act No. 58	17 November 2000	1 December 2000
2B	2001 Act No. 65	7 August 2001	8 November 2001
2C	2001 Act No. 65	1 March 2002	8 March 2002

Reprint No.	Amendments included	Effective	Notes
2D	2002 Act No. 74	1 April 2003	
2E	2003 Act No. 16	9 April 2003	R2E withdrawn, see R3
3	—	9 April 2003	

Law Reform (Abolition of the Rule of Common Employment) Act 1951

Reprint No.	Amendments to	Effective	Reprint date
1	none	22 November 1951	22 May 1995

Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952

Reprint No.	Amendments to	Effective	Reprint date
1	1994 Act No. 85	17 October 1992	9 December 1994

Voluntary Aid in Emergency Act 1973

Reprint No.	Amendments to	Effective	Reprint date
1	none	25 October 1973	16 December 1994

6 Tables in earlier reprints**Law Reform Act 1995**

Name of table	Reprint No.
Changed citations and remade laws	1
Corrected minor errors	1
Renumbered provisions	1

Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1951

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1
Renumbered provisions	1

Voluntary Aid in Emergence Act 1973

Name of table	Reprint No.
Changed citations and remade laws	1
Obsolete and redundant provisions	1

7 List of legislation

Law Reform Act 1995 (prev Law Reform (Abolition of the Rule of Common Employment) Act 1951 15 Geo 6 No. 41)

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

List of legislation to Law Reform (Abolition of the Rule of Common Employment) Act 1951 15 Geo 6 No. 41—before relocation to Law Reform Act 1995

Law Reform (Abolition of the Rule of Common Employment) Act 1951 15 Geo 6 No. 41

date of assent 22 November 1951

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

List of legislation to Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952 1 Eliz 2 No. 42—before relocation to Law Reform Act 1995

Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952 1 Eliz 2 No. 42

date of assent 4 December 1952

commenced 12 January 1953 (proc pubd gaz 10 January 1953 p 223)

amending legislation—

Law Reform (Husband and Wife) Act 1968 No. 15 s 5 sch

date of assent 19 April 1968

commenced 1 June 1968 (proc pubd gaz 25 May 1968 p 510)

Property Law Act 1974 No. 76 s 3(2) sch 6 pt 3

date of assent 1 November 1974

commenced 1 December 1975 (see s 1(2))

Common Law Practice and Workers' Compensation Amendment Act 1994 No. 85 ss 1–2, 12 sch

date of assent 2 December 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 17 October 1992 (see s 2)

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

List of legislation to Law Reform (Husband and Wife) Act 1968 No. 15—before relocation to Law Reform Act 1995**Law Reform (Husband and Wife) Act 1968 No. 15**

date of assent 19 April 1968

commenced 1 June 1968 (proc pubd gaz 25 May 1968 p 510)

amending legislation—

Law Reform (Husband and Wife) Act Amendment Act 1989 No. 81

date of assent 18 September 1989

commenced on date of assent

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

List of legislation to Voluntary Aid in Emergency Act 1973 No. 56—before relocation to Law Reform Act 1995**Voluntary Aid in Emergency Act 1973 No. 56**

date of assent 25 October 1973

commenced on date of assent

amending legislation—

Statute Law Revision Act (No. 2) 1995 No. 58 ss 1–2, 4 sch 1

date of assent 28 November 1995

commenced on date of assent

Amending legislation to Law Reform Act 1995 (prev Law Reform (Abolition of the Rule of Common Employment) Act 1951)—after relocation of Law Reform (Abolition of the Rule of Common Employment) Act 1951 15 Geo 6 No. 41, Law Reform (Tortfeasors Contribution, Contributory Negligence, and Division of Chattels) Act 1952 1 Eliz 2 No. 42, Law Reform (Husband and Wife) Act 1968 No. 15 and Voluntary Aid in Emergency Act 1973 No. 56**Justice Legislation (Miscellaneous Provisions) Act 1996 No. 79 pts 1, 20**

date of assent 12 December 1996

pt 1 commenced on date of assent

remaining provisions commenced 28 November 1995 (see s 64(2))

Justice and Other Legislation (Miscellaneous Provisions) Act (No. 2) 1997 No. 82 ss 1–3, sch

date of assent 5 December 1997

commenced on date of assent

Justice and Other Legislation (Miscellaneous Provisions) Act 2000 No. 58 ss 1–2 sch

date of assent 17 November 2000

commenced on date of assent

Medical Practitioners Registration Act 2001 No. 7 ss 1–2, 302 sch 2

date of assent 11 May 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 1 March 2002 (2002 SL No. 30)

Law Reform (Contributory Negligence) Amendment Act 2001 No. 65

date of assent 25 October 2001

ss 1–2 commenced on date of assent

remaining provisions commenced 7 August 2001 (see s 2)

Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch

date of assent 13 December 2002

ss 1–2 commenced on date of assent

s 90 commenced 31 March 2003 (2003 SL No. 51)

remaining provisions commenced 1 April 2003 (2003 SL No. 51)

Civil Liability Act 2003 No. 16 ss 1, 2(2), 111 sch 1

date of assent 9 April 2003

ss 1–2 commenced on date of assent

remaining provisions commenced on date of assent (see s 2(2))

8 List of annotations

This reprint has been renumbered—see table of renumbered provisions in endnote 9

Law Reform Act 1995 (prev Law Reform (Abolition of the Rule of Common Employment) Act 1951 15 Geo 6 No. 41)**Long title** amd 1995 No. 58 s 4 sch 1; 1996 No. 79 s 65**PART 1—PRELIMINARY****pt hdg** ins 1995 No. 58 s 4 sch 1**Short title****s 1** sub 1995 No. 58 s 4 sch 1**Act is, in part, a consolidation****prov hdg** amd 1996 No. 79 s 66(1)**s 2** ins 1995 No. 58 s 4 sch 1

amd 1996 No. 79 s 66(2); 2002 No. 74 s 90 sch

PART 2—ABOLITION OF RULE OF COMMON EMPLOYMENT**pt hdg** ins 1995 No. 58 s 4 sch 1**Defence of common employment abolished****s 3** amd 1995 No. 58 s 4 sch 1

Application to Crown

s 4 amd 1995 No. 58 s 4 sch 1

PART 3—TORTFEASORS CONTRIBUTION AND CONTRIBUTORY NEGLIGENCE

pt hdg ins 1995 No. 58 s 4 sch 1

Division 1—Preliminary

div hdg ins 1995 No. 58 s 4 sch 1
 sub 2003 No. 16 s 111 sch 1

Application of part

s 4A ins 2003 No. 16 s 111 sch 1

Definitions for pt 3

s 5 (prev 1952 1 Eliz 2 No. 42 s 4) amd 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1
 def “**fault**” amd 1995 No. 58 s 4 sch 1
 om 2001 No. 65 s 4(1)
 def “**wrong**” ins 2001 No. 65 s 4(2)

Division 2—Proceedings against, and contribution between, tortfeasors

div hdg ins 1995 No. 58 s 4 sch 1

Proceedings against, and contribution between, joint and several tortfeasors

s 6 (prev 1952 1 Eliz 2 No. 42 s 5) amd 1994 No. 85 s 12 sch
 reloc 1995 No. 58 s 4 sch 1

Amount of contribution and power of the court

s 7 (prev 1952 1 Eliz 2 No. 42 s 6) amd 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1

Additional definitions for div 2

s 8 (prev 1952 1 Eliz 2 No. 42 s 8) amd 1994 No. 85 s 12 sch
 sub 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1
 def “**spouse**” sub 2002 No. 74 s 90 sch

Application of division

s 9 (prev 1952 1 Eliz 2 No. 42 s 9) sub 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1

Division 3—Contributory negligence

div hdg ins 1995 No. 58 s 4 sch 1

Apportionment of liability in case of contributory negligence

s 10 (prev 1952 1 Eliz 2 No. 42 s 10) amd 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1
 amd 2001 No. 65 s 5

Application of division

s 11 (prev 1952 1 Eliz 2 No. 42 s 12) sub 1995 No. 58 s 4 sch 1
 reloc 1995 No. 58 s 4 sch 1

PART 4—CIVIL REMEDIES BETWEEN PERSONS WHOSE RELATIONSHIP IS HUSBAND AND WIFE

pt hdg ins 1995 No. 58 s 4 sch 1
sub 2002 No. 74 s 90 sch

Actions in tort between husband and wife

s 12 (prev 1968 No. 15 s 2) amd 1989 No. 81 s 4; 1995 No. 58 s 4 sch 1
reloc 1995 No. 58 s 4 sch 1

Wife's remedy for loss or impairment of consortium

s 13 (prev 1968 No. 15 s 3) sub 1989 No. 81 s 5
reloc 1995 No. 58 s 4 sch 1

Application of pt 5

prov hdg amd 1995 No. 58 s 4 sch 1
s 14 prev s 14 ins 1995 No. 58 s 4 sch 1
om R1 (see RA s 37)
pres s 14 (prev 1968 No. 15 s 4) sub 1989 No. 81 s 6
amd 1995 No. 58 s 4 sch 1
reloc 1995 No. 58 s 4 sch 1

PART 5—VOLUNTARY AID IN EMERGENCY

pt hdg ins 1995 No. 58 s 4 sch 1

Definitions for pt 5

prov hdg sub 1995 No. 58 s 4 sch 1
s 15 (prev 1973 No. 56 s 2) amd 1995 No. 58 s 4 sch 1
reloc 1995 No. 58 s 4 sch 1
def “**medical practitioner**” sub 2001 No. 7 s 302 sch 2

Protection of medical practitioners and nurses and other prescribed persons

prov hdg amd 1997 No. 82 s 3 sch
s 16 (prev 1973 No. 56 s 3) amd 1995 No. 58 s 4 sch 1
reloc 1995 No. 58 s 4 sch 1

PART 6—AGE OF MAJORITY

pt hdg ins 1995 No. 58 s 4 sch 1

What is age of majority

s 17 ins 1995 No. 58 s 4 sch 1

PART 7—LEGAL CAPACITY OF PERSONS WHOSE RELATIONSHIP IS HUSBAND AND WIFE

pt hdg ins 1995 No. 58 s 4 sch 1
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prov hdg sub 2002 No. 74 s 90 sch
s 18 ins 1995 No. 58 s 4 sch 1
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PART 8—ATTACHMENT OF WAGES

pt hdg ins 1996 No. 79 s 68

Wages of public service employees may be attached

s 18A ins 1996 No. 79 s 68
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PART 9—MISCELLANEOUS

pt hdg ins 1995 No. 58 s 4 sch 1
(prev pt 8 hdg) renum 1996 No. 79 s 67

Regulation-making power

s 19 ins 1995 No. 58 s 4 sch 1

Reference to certain Acts and provisions

s 20 ins 1995 No. 58 s 4 sch 1

**PART 10—TRANSITIONAL PROVISION FOR LAW REFORM
(CONTRIBUTORY NEGLIGENCE) AMENDMENT ACT 2001**

pt hdg ins 2001 No. 65 s 6

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s 21 ins 2001 No. 65 s 6

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