

THE STATUTES OF THE REPUBLIC OF SINGAPORE

**CONTRIBUTORY NEGLIGENCE AND
PERSONAL INJURIES ACT**

(CHAPTER 54)

**1970 Ed. Cap. 31
Ordinance
37 of 1953
1985 Ed.
Amended by
11/87
20/88**

REVISED EDITION 1989

Contributory Negligence and Personal Injuries Act

ARRANGEMENT OF SECTIONS

Section

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An Act relating to contributory negligence and for purposes connected therewith and to abolish the defence of common employment.

[1st March 1954]

1. This Act may be cited as the Contributory Negligence and Personal Injuries Act. Short title.

2. In this Act —

“court”, in relation to any claim, means 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 section 12 of the Civil Law Act;

“fault” means negligence, breach of statutory duty or other act or omission which gives rise to a liability in tort or would, apart from this Act, give rise to the defence of contributory negligence.

Inter-
pretation.

Cap. 43,
1988 Ed.

Apportionment of liability in case of contributory negligence.

3.—(1) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage:

Provided that —

- (a) this subsection shall not operate to defeat any defence arising under a contract;
- (b) where any contract or written law providing for the limitation of liability is applicable to the claim the amount of damages recoverable by the claimant by virtue of this subsection shall not exceed the maximum limit so applicable.

(2) 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 at fault.

Cap. 43,
1988 Ed.

(3) Section 11 of the Civil Law Act (which relates to proceedings against and contribution between joint and several tortfeasors) 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 subsection (1) in respect of the damage suffered by any person.

11/87.

(4) Where any person dies as the result partly of his own fault and partly of the fault of any other person or persons, and accordingly if an action were brought for the benefit of the estate under section 7 of the Civil Law Act, 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 section 12 of the Civil Law Act, or any damages recoverable in an action brought for the benefit of any person under section 13 of that Act, shall be reduced to a proportionate extent.

Cap. 163.

(5) Where, in any case to which subsection (1) applies, one of the persons at fault avoids liability to any other such person or his personal representative by pleading the Limitation Act or any other written law limiting the time

within which proceedings may be taken, he shall not be entitled to recover any damages or contributions from that other person or representative by virtue of that subsection.

4.—(1) This Act shall not apply to any claims to which section 1 of the Maritime Conventions Act 1911 applies and that Act shall have effect as if this Act had not been passed.

Saving for
Maritime
Conventions
Act 1911
and past
cases.
U.K. 1911
c. 57.

(2) This Act shall not apply to any case where the acts or omissions giving rise to the claim occurred before 1st March 1954*.

5.—(1) It shall not be a defence to an employer who is sued in respect of personal injuries caused by the negligence of a person employed by him, that that person was at the time the injuries were caused in common employment with the person injured.

Common
employment.

(2) Any provision in a contract of service or apprenticeship, or in an agreement collateral thereto (including a contract or agreement entered into before 1st March 1954* 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 negligence of persons in common employment with him.

(3) For the purpose of this section “personal injury” includes any disease and any impairment of a person’s physical or mental condition, and “injured” shall be construed accordingly.