



# Civil Liability (Contribution) Act 1978

## 1978 CHAPTER 47

### *Proceedings for contribution*

#### **1 Entitlement to contribution.**

- (1) Subject to the following provisions of this section, any person liable in respect of any damage suffered by another person may recover contribution from any other person liable in respect of the same damage (whether jointly with him or otherwise).
- (2) A person shall be entitled to recover contribution by virtue of subsection (1) above notwithstanding that he has ceased to be liable in respect of the damage in question since the time when the damage occurred, provided that he was so liable immediately before he made or was ordered or agreed to make the payment in respect of which the contribution is sought.
- (3) A person shall be liable to make contribution by virtue of subsection (1) above notwithstanding that he has ceased to be liable in respect of the damage in question since the time when the damage occurred, unless he ceased to be liable by virtue of the expiry of a period of limitation or prescription which extinguished the right on which the claim against him in respect of the damage was based.
- (4) A person who has made or agreed to make any payment in bona fide settlement or compromise of any claim made against him in respect of any damage (including a payment into court which has been accepted) shall be entitled to recover contribution in accordance with this section without regard to whether or not he himself is or ever was liable in respect of the damage, provided, however, that he would have been liable assuming that the factual basis of the claim against him could be established.
- (5) A judgment given in any action brought in any part of the United Kingdom by or on behalf of the person who suffered the damage in question against any person from whom contribution is sought under this section shall be conclusive in the proceedings for contribution as to any issue determined by that judgment in favour of the person from whom the contribution is sought.
- (6) References in this section to a person's liability in respect of any damage are references to any such liability which has been or could be established in an action brought against

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him in England and Wales by or on behalf of the person who suffered the damage; but it is immaterial whether any issue arising in any such action was or would be determined (in accordance with the rules of private international law) by reference to the law of a country outside England and Wales.

**Modifications etc. (not altering text)**

- C1** S. 1 amended by [Limitation Act 1980 \(c.58, SIF 79\)](#), s. 10
- C2** S. 1 restricted by [S.I. 1989/1339 \(N.I. 11\)](#), arts. 13(1), 76, Sch. 2 paras. 1, 6, 7
- C3** S. 1 excluded (E.W.) (25.6.2010) by [The Rail Passengers' Rights and Obligations Regulations 2010 \(S.I. 2010/1504\)](#), regs. 1(2), 5(1)

**2 Assessment of contribution.**

- (1) Subject to subsection (3) below, in any proceedings for contribution under section 1 above 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 in question.
- (2) Subject to subsection (3) below, the court shall have power in any such proceedings 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.
- (3) Where the amount of the damages which have or might have been awarded in respect of the damage in question in any action brought in England and Wales by or on behalf of the person who suffered it against the person from whom the contribution is sought was or would have been subject to—
  - (a) any limit imposed by or under any enactment or by any agreement made before the damage occurred;
  - (b) any reduction by virtue of section 1 of the <sup>M1</sup>Law Reform (Contributory Negligence) Act 1945 or section 5 of the <sup>M2</sup>Fatal Accidents Act 1976; or
  - (c) any corresponding limit or reduction under the law of a country outside England and Wales;

the person from whom the contribution is sought shall not by virtue of any contribution awarded under section 1 above be required to pay in respect of the damage a greater amount than the amount of those damages as so limited or reduced.

**Modifications etc. (not altering text)**

- C4** S. 2 excluded (E.W.) (25.6.2010) by [The Rail Passengers' Rights and Obligations Regulations 2010 \(S.I. 2010/1504\)](#), regs. 1(2), 5(1)

**Marginal Citations**

- M1** 1945 c. 28.
- M2** 1976 c. 30.

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**Changes to legislation:**

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Cross Heading: Proceedings for contribution.