



Civil Liability (Contribution) Act 1978

1978 CHAPTER 47

Proceedings for contribution

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 ^{M1}Law Reform (Contributory Negligence) Act 1945 or section 5 of the ^{M2}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)

- C1** 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)**
- C2** S. 2(1) 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))

Changes to legislation: There are currently no known outstanding effects for the Civil Liability (Contribution) Act 1978, Section 2. (See end of Document for details)

C3 S. 2(1) applied by Competition Act 1998 (c. 41), Sch. 8A para. 38(4)(a) (as inserted (9.3.2017) by S.I. 2017/385, reg. 1(2), **Sch. 1 para. 4** (with Sch. 1 para. 5))

Marginal Citations

M1 1945 c. 28.

M2 1976 c. 30.

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