Law Reform (Miscellaneous Provisions) Act 1934

1934 CHAPTER 41 24 and 25 Geo 5

1   Effect of death on certain causes of action.

(1) Subject to the provisions of this section, on the death of any person after the
commencement of this Act all causes of action subsisting against or vested in him
shall survive against, or, as the case may be, for the benefit of, his estate. Provided
that this subsection shall not apply to causes of action for defamation . . . ^{F1} . . . . ^{F2}

[^{F3}(1A) The right of a person to claim under section 1A of the ^{M1}Fatal Accidents Act 1976
(bereavement) shall not survive for the benefit of his estate on his death.]

(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased
person, the damages recoverable for the benefit of the estate of that person—
   [^{F4}(a)   shall not include—
       (i) any exemplary damages;
       (ii) any damages for loss of income in respect of any period after that
           person's death;]
   (b)   . . . . . . ^{F5}
   (c)   Where the death of that person has been caused by the act or omission which
         gives rise to the cause of action, shall be calculated without reference to any
         loss or gain to his estate consequent on his death, exept that a sum in respect
         of funeral expenses may be included.

(3) . . . ^{F6}

(4) Where damage has been suffered by reason of any act or omission in respect of which
a cause of action would have subsisted against any person if that person had not died
before or at the same time as the damage was suffered, there shall be deemed, for the
purposes of this Act, to have been subsisting against him before his death such cause
of action in respect of that act or omission as would have subsisted if he had died after
the damage was suffered.

(5)   The rights conferred by this Act for the benefit of the estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependants of deceased persons by the Fatal Accidents Acts 1846 to 1908, . . . **F7** and so much of this Act as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said Acts as it applies in relation to other causes of action not expressly excepted from the operation of subsection (1) of this section.

(6)   In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.

(7) . . . **F8**

Textual Amendments

F1   S. 1(1): words repealed by Administration of Justice Act 1982 (c. 53, SIF 122:3), s. 75, **Sch. 9 Pt. I**

F2   Words repealed by Law Reform (Miscellaneous Provisions) Act 1970 (c. 33), **Sch.**

F3   S.1(1A) inserted by Administration of Justice Act 1982 (c. 53, SIF 122: 3), **s. 4(1)**

F4   S.1(2)(a)substituted by Administration of Justice Act 1982 (c. 53,SIF 122:3), **s. 4(2)**, 73

F5   S. 1(2)(b) repealed by Law Reform (Miscellaneous Provisions) Act 1970 (c. 33), **Sch.**

F6   S. 1(3) repealed by Proceedings Against Estates Act 1970 (c.17), **s. 1**

F7   Words repealed by Carriage by Air Act 1961 (c. 27), **Sch. 2**

F8   S. 1(7) repealed by Statute Law Revision Act 1950 (c.6), s. 1, **Sch. 1**

Modifications etc. (not altering text)

C1   S.1 amended by Limitation Act 1939 (c.21), **s. 2A**. and Limitation (Enemies and War Prisoners) Act 1945 (c.16), **s. 1**

C2   S. 1 amended by Limitation Act 1980 (c. 58, SIF 79), **ss. 11**,14

C3   S.1(5) extended by Fatal Accidents Act 1976 (c. 30), **Sch. 1 para. 2**

Marginal Citations

M1   1976 c. 30

Changes to legislation:
There are currently no known outstanding effects for the Law Reform (Miscellaneous Provisions) Act 1934, Section 1.