



# Law Reform (Personal Injuries) Act 1948

1948 CHAPTER 41 11 and 12 Geo 6

An Act to abolish the defence of common employment, to amend the law relating to the measure of damages for personal injury or death, and for purposes connected therewith. [30th June 1948]

## Commencement Information

**II** Act wholly in force at Royal Assent.

## 1 Common employment.

- (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.
- (2) Accordingly the <sup>M1</sup>Employers' Liability Act, 1880, shall cease to have effect, and is hereby repealed.
- (3) 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 Act) 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.

## Marginal Citations

**M1** 43 & 44 Vict. c. 42.

## 2 Measure of damages.

<sup>F1</sup>(1) .....

<sup>F1</sup>(1A) .....

*Changes to legislation: There are currently no known outstanding effects for the Law Reform (Personal Injuries) Act 1948. (See end of Document for details)*

<sup>F2</sup>(2) .....

<sup>F1</sup>(3) .....

- (4) In an action for damages for personal injuries (including any such action arising out of a contract), there shall be disregarded, in determining the reasonableness of any expenses, the possibility of avoiding those expenses or part of them by taking advantage of facilities available under [<sup>F3</sup>the National Health Service Act 2006 or the National Health Service (Wales) Act 2006 ] or the <sup>M2</sup>[<sup>F4</sup>National Health Service (Scotland) Act 1978], or of any corresponding facilities in Northern Ireland.

<sup>F5</sup>(5) .....

<sup>F1</sup>(6) .....

#### Textual Amendments

- F1** S. 2(1)(1A)(3)(6) repealed (6.10.1997) by 1997 c. 27, s. 33(1)(2), Sch. 3 para. 1, **Sch. 4** (with ss. 1, 2, 28); S.I. 1997/2085, **art. 2(2)**
- F2** S. 2(2) repealed by **Social Security Act 1989** (c.24), **ss. 22**, 31(2), Sch.4 para. 22(3), Sch. 9
- F3** Words in s. 2(4) substituted (1.3.2007) by **National Health Service (Consequential Provisions) Act 2006** (c. 43), s. 8(2), **Sch. 1 para. 11** (with Sch. 3 Pt. 1)
- F4** Words substituted by **National Health Service (Scotland) Act 1978** (c. 29), **Sch. 16 para. 4**
- F5** S. 2(5) repealed by **Fatal Accidents Act 1959** (c. 65), **Sch.**

#### Marginal Citations

- M2** 1978 c. 29.

### 3 Definition of “personal injury”.

In this Act the expression “personal injury” includes any disease and any impairment of a person’s physical or mental condition, and the expression “injured” shall be construed accordingly.

### 4 Application to Crown.

This Act shall bind the Crown.

### 5 Northern Ireland.

(1) . . . <sup>F6</sup>

(2) This Act, . . . . . <sup>F7</sup> shall not extend to Northern Ireland.

#### Textual Amendments

- F6** S. 5(1) repealed by **Northern Ireland Constitution Act 1973** (c. 36), **sch. 6 Pt. I**
- F7** Words repealed by **Northern Ireland Constitution Act 1973** (c. 36), **Sch. 6 Pt. I**

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**Changes to legislation:** There are currently no known outstanding effects for the Law Reform (Personal Injuries) Act 1948. (See end of Document for details)

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## 6 Short title and commencement.

- (1) This Act may be cited as the Law Reform (Personal Injuries) Act 1948.
- (2) Section one and subsection (1) of section two of this Act shall apply only where the cause of action accrues on or after the day appointed for the <sup>M3</sup>National Insurance (Industrial Injuries) Act 1946, to take effect; but subsections (4) and (5) of the said section two shall apply whether the cause of action accrued or the action was commenced before or after the commencement of this Act.

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### Marginal Citations

**M3** 1946 c. 62.

**Changes to legislation:**

There are currently no known outstanding effects for the Law Reform (Personal Injuries) Act 1948.