

## LAW REFORM (MISCELLANEOUS PROVISIONS)

### No. 10 of 1968

#### An Ordinance to amend the *Law Reform (Miscellaneous Provisions) Ordinance 1955–1965*.

Short title and citation.

1.—(1.) This Ordinance may be cited as the *Law Reform (Miscellaneous Provisions) Ordinance 1968*.\*

(2.) The *Law Reform (Miscellaneous Provisions) Ordinance 1955–1965*† is in this Ordinance referred to as the Principal Ordinance.

(3.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Law Reform (Miscellaneous Provisions) Ordinance 1955–1968*.

Damages in actions which survive under this Part.

2. Section 5 of the Principal Ordinance is amended by omitting from sub-paragraph (i) of paragraph (c) the words “a sum in respect of funeral expenses” and inserting in their stead the words “the reasonable expenses of burial or cremation”.

3. Section 6 of the Principal Ordinance is repealed and the following section inserted in its stead:—

Conditions precedent to survival of causes of action.

“6.—(1.) No proceedings are maintainable in respect of a cause of action in tort which, by virtue of this Part, has survived against the estate of the deceased person unless—

- (a) proceedings against him in respect of that cause of action were pending on the date of his death;
- (b) proceedings are taken in respect of the cause of action not later than twelve months after his executor or administrator was granted probate or letters of administration or within such further period as the Supreme Court, on an application made, either before or after the expiration of that period, allows; or
- (c) in the case of a cause of action referred to in the next succeeding section, the proceedings are commenced within the period of twelve months after the date upon which the damage was suffered or after the date on which the executor or administrator of the deceased person was granted probate or letters of administration, whichever is the later.

“ (2.) The last preceding sub-section does not operate so as to permit the commencement of proceedings against the estate of a deceased person at any time after his death if the proceedings could not, by reason of any law relating to the limitation of actions, have been commenced against the deceased person at the time of his death.

\* Made on 7 June 1968; notified in the *Commonwealth Gazette* and commenced on 13 June 1968.

† Ordinance No. 3, 1955, as amended by No. 14, 1965.

“(3.) For the purposes of paragraph (c) of sub-section (1.) of this section, the damage to which an action in respect of the death of a person under the *Compensation (Fatal Injuries) Ordinance 1968* relates shall be deemed to have been suffered on the day of the death of that person.”.

4. Section 8 of the Principal Ordinance is amended by omitting from sub-section (1.) the words “rights conferred on dependants of deceased persons by the *Compensation (Fatal Injuries) Ordinance 1938*” and inserting in their stead the words “rights conferred by the *Compensation (Fatal Injuries) Ordinance 1968*”.

Savings of other rights.

5. Section 10 of the Principal Ordinance is amended by omitting paragraph (a).

Interpretation.

6. Section 11 of the Principal Ordinance is amended by omitting from sub-section (3.) the words “or for the benefit of the estate, or of the wife, husband, brother, sister, half-brother, half-sister, parent or child, of that person” and inserting in their stead the words “or for the benefit of the estate of that person, or for the benefit of the person or persons for whose benefit an action may be brought under the *Compensation (Fatal Injuries) Ordinance 1968* in respect of the death of that person”.

Proceedings against and contribution between joint and several tort-feasors.

7. Section 14 of the Principal Ordinance is amended by omitting from sub-section (1.) the definition of “dependant”.

Interpretation.

8. Section 16 of the Principal Ordinance is amended by omitting sub-section (2.).

Application of Part IV.

9. Notwithstanding the amendments made by this Ordinance—

Continued application of Parts II. and IV. of the Principal Ordinance.

(a) Part II. of the Principal Ordinance continues to apply to and in relation to a cause of action that has survived under that Part by reason of the death of a person before the date of commencement of this Ordinance; and

(b) Part IV. of the Principal Ordinance continues to apply to and in relation to damage suffered, and to the death of a person that occurred, before the date of commencement of this Ordinance.