



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**CONTRIBUTORY NEGLIGENCE AND PERSONAL  
INJURIES ACT**

**(CHAPTER 54)**

**(Original Enactment: Ordinance 37 of 1953)**

**REVISED EDITION 2002**

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# Contributory Negligence and Personal Injuries Act

## ARRANGEMENT OF SECTIONS

### Section

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An Act relating to contributory negligence and for purposes connected therewith and to abolish the defence of common employment.

[1st March 1954]

### **Short title**

1. This Act may be cited as the Contributory Negligence and Personal Injuries Act.

### **Interpretation**

2. In this Act, unless the context otherwise requires —

“court”, in relation to any claim, means the court or arbitrator by or before whom the claim falls to be determined;

“damage” includes loss of life and personal injury;

“dependant” means any person for whose benefit an action could be brought under section 20 of the Civil Law Act (Cap. 43);

“fault” means negligence, breach of statutory duty or other act or omission which gives rise to a liability in tort or would, apart from this Act, give rise to the defence of contributory negligence.

**Apportionment of liability in case of contributory negligence**

3.—(1) Where any person suffers damage as the result partly of his own fault and partly of the fault of any other person or persons, a claim in respect of that damage shall not be defeated by reason of the fault of the person suffering the damage, but the damages recoverable in respect thereof shall be reduced to such extent as the court thinks just and equitable having regard to the claimant's share in the responsibility for the damage.

(2) Subsection (1) shall not operate to defeat any defence arising under a contract.

(3) Where any contract or written law providing for the limitation of liability is applicable to the claim, the amount of damages recoverable by the claimant under subsection (1) shall not exceed the maximum limit so applicable.

(4) Where damages are recoverable by any person under subsection (1) subject to such reduction as is therein mentioned, the court shall find and record the total damages which would have been recoverable if the claimant had not been at fault.

(5) Where any person dies as the result partly of his own fault and partly of the fault of any other person or persons, and accordingly if an action were brought for the benefit of the estate under section 10 of the Civil Law Act (Cap. 43), the damages recoverable would be reduced under subsection (1), any damages recoverable in an action brought for the benefit of —

(a) the dependants of that person under section 20 of the Civil Law Act; or

(b) any person under section 21 of the Civil Law Act,

shall be reduced to a proportionate extent.

[11/87]

(6) Where, in any case to which subsection (1) applies, one of the persons at fault avoids liability to any other such person or his personal representative by pleading the Limitation Act (Cap. 163) or any other written law limiting the time within which proceedings may be taken, he shall not be entitled to recover any damages or

contributions from that other person or personal representative by virtue of that subsection.

### **Saving for Maritime Conventions Act 1911**

4. This Act shall not apply to any claims to which section 1 of the Maritime Conventions Act 1911 (U.K. 1911, c. 57) applies and that Act shall have effect as if this Act had not been passed.

### **Common employment**

5.—(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) Any provision in a contract of service or apprenticeship, or in an agreement collateral thereto 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.

(3) In this section, “personal injury” includes any disease and any impairment of a person’s physical or mental condition, and “injured” shall be construed accordingly.

LEGISLATIVE HISTORY  
CONTRIBUTORY NEGLIGENCE AND PERSONAL INJURIES  
ACT  
(CHAPTER 54)

**1. Ordinance 37 of 1953 — Contributory Negligence and Personal Injuries Ordinance 1953**

Date of First Reading : 24 November 1953  
(Bill No. 28/53 published on  
27 November 1953)

Date of Second and Third Readings : 15 December 1953

Date of commencement : 1 March 1954

**2. 1955 Revised Edition — Contributory Negligence and Personal Injuries Ordinance (Chapter 25)**

Date of operation : 1 May 1955

**3. 1970 Revised Edition — Contributory Negligence and Personal Injuries Act (Chapter 31)**

Date of operation : 1 March 1971

**4. 1985 Revised Edition — Contributory Negligence and Personal Injuries Act**

Date of operation : 30 March 1987

**5. Act 11 of 1987 — Civil Law (Amendment) Act 1987**  
(Consequential amendments made by)

Date of First Reading : 26 January 1987  
(Bill No. 1/87 published on  
2 February 1987)

Date of Second and Third Readings : 4 March 1987

Date of commencement : 1 May 1987

**6. Act 20 of 1988 — Carriage by Air Act 1988**  
(Consequential amendments made by)

Date of First Reading : 29 July 1988  
(Bill No. 17/88 published on  
1 August 1988)

Date of Second and Third Readings : 11 August 1988

Date of commencement : 16 September 1988

**7. 1989 Revised Edition — Contributory Negligence and Personal Injuries Act**

Date of operation : 15 March 1989

**8. Act 45 of 1998 — Civil Law (Amendment) Act 1998**

(Consequential amendments made by)

Date of First Reading : 12 October 1998  
(Bill No. 41/98 published on  
13 October 1998)

Date of Second and Third Readings : 26 November 1998

Date of commencement : 1 January 1999

**9. 2002 Revised Edition — Contributory Negligence and Personal Injuries Act**

Date of operation : 31 December 2002

COMPARATIVE TABLE  
 CONTRIBUTORY NEGLIGENCE AND PERSONAL INJURIES  
 ACT  
 (CHAPTER 54)

The following provisions in the 1989 Revised Edition of the Contributory Negligence and Personal Injuries Act have been renumbered by the Law Revision Commissioners in this 2002 Revised Edition.

This Comparative Table is provided for the convenience of users. It is not part of the Contributory Negligence and Personal Injuries Act.

| <b>2002 Ed.</b>           | <b>1989 Ed.</b>                     |
|---------------------------|-------------------------------------|
| <b>3—(1), (2) and (3)</b> | <b>3—(1)</b>                        |
| (4)                       | (2)                                 |
| —                         | (3) ( <i>Deleted by Act 45/98</i> ) |
| (5)                       | (4)                                 |
| (6)                       | (5)                                 |
| <b>4</b>                  | <b>4—(1)</b>                        |
| <i>Omitted</i>            | (2)                                 |