

Zambia

Law Reform (Limitation of Actions, etc.) Act, 1963 Chapter 72

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Law Reform (Limitation of Actions, etc.) Act, 1963

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Law Reform (Limitation of Actions, etc.) Act, 1963

Chapter 72

Commenced on 26 April 1963

[This is the version of this document at 31 December 1996.]

[13 of 1963; 26 of 1967; Government Notice 497 of 1964; Statutory Instrument 72 of 1964]

An Act to assimilate in certain respects the law applicable to proceedings against public authorities (including the Republic) and persons acting in pursuance or execution or intended execution of enactments to that applicable in other cases; to amend the law as to the time limited for bringing legal proceedings and as to the survival of causes of action against the estates of deceased persons; and to provide for purposes connected with the matters aforesaid.

1. Short title

This Act may be cited as the Law Reform (Limitation of Actions, etc.) Act.

2. Non-application of Public Authorities Protection Act, 1893, and section 21 of Limitation Act, 1939

The Public Authorities Protection Act, 1893, and section 21 of the Limitation Act, 1939, of the United Kingdom, shall cease to have effect in the Republic.

3. Amendment of Limitation Act, 1939, as respects personal injury actions

In its application to the Republic, the Limitation Act, 1939, of the United Kingdom, is hereby amended as follows:

- (a) by the insertion of the following proviso at the end of subsection (1) of section 2:

Provided that, in the case of actions for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any person, this subsection shall have effect as if for the reference to six years there were substituted a reference to three years.

- (b) by the addition at the end of section 22 of the following subsection:

(2) In the case of actions for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any person—

- (a) the preceding provisions of this section shall have effect as if for the words "six years" there were substituted the words "three years"; and
- (b) this section shall not apply unless the plaintiff proves that the person under the disability was not, at the time when the right of action accrued to him, in the custody of a parent.
- (c) by the insertion in subsection (1) of section 31 after the definition of "personal property" of the following definition:

"personal injuries" includes any disease and any impairment of a person's physical or mental condition.

4. Amendment of Fatal Accidents Act, 1846

In its application to the Republic, section 3 of the Fatal Accidents Act, 1846, of the United Kingdom, is hereby amended by the substitution of the words "three years" for the words "twelve calendar months".

5. Application to the Republic

- (1) This Act shall bind the Republic.
- (2) No proceedings shall lie against the Republic in respect of loss or damage to registered inland postal packets unless the proceedings are begun within the twelve months beginning with the date on which the packet in question was posted.

[As amended by S.I. No. 72 of 1964]

6. Transitional provisions

- (1) The time for bringing proceedings in respect of a cause of action which arose before the commencement of this Act shall, if it has not then already expired, expire at the time when it would have expired apart from the provisions of this Act or at the time when it would have expired if all the provisions of this Act had at all material times been in force, whichever is the later.
- (2) Save as aforesaid, nothing in this Act shall affect any action or proceedings if the cause of action arose before the commencement thereof.

[As amended by No. 26 of 1967]