



Application of Enactments Ordinance 1954 (FLK No.13 of 1954)

Application of Colony Laws Ordinance 1955 (DS No.1 of 1955)

Law Reform (Personal Injuries) Act 1948

UK Legis LINK as originally enacted	Law Reform (Personal Injuries) Act 1948 c.41
English commencement	30 June 1948 (Royal Assent)
English status	In force (amended)
AEO Schedule No.	55
Date applied in SGSSI:	1 November 1954
Extent of application:	Whole Act except Sections 2(4), 2(6)(a), 2(6)(b), 5, 6(2).

Law Reform (Personal Injuries) Act 1948

1948 CHAPTER 41

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]

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

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 [43 & 44 Vict. c. 42.] Employers' Liability Act, 1880, shall cease to have effect, and is hereby repealed.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.

2 Measure of damages

- (1) In an action for damages for personal injuries (including any such action arising out of a contract), there shall in assessing those damages be taken into account, against any loss of earnings or profits which has accrued or probably will accrue to the injured person from the injuries, one half of the value of any rights which have accrued or probably will accrue to him therefrom in respect of industrial injury benefit, industrial disablement benefit or sickness benefit for the five years beginning with the time when the cause of action accrued.

This subsection shall not be taken as requiring both the gross amount of the damages before taking into account the said rights and the net amount after taking them into account to be found separately.
- (2) In determining the value of the said rights there shall be disregarded any increase of an industrial disablement pension in respect of the need of constant attendance.
- (3) The reference in subsection (1) of this section to assessing the damages for personal injuries shall, in cases where the damages otherwise recoverable are subject to reduction under the law relating to contributory negligence or are limited by or under any Act or by contract, be taken as referring to the total damages which would have been recoverable apart from the reduction or limitation.

- (4) [not applied]
- (5) In assessing damages in respect of a person's death in any action under the [9 & 10 Vict. c. 93.] Fatal Accidents Act, 1846, as amended by any subsequent enactment, or under the [22 & 23 Geo. 5. c. 36.] Carriage by Air Act, 1932, there shall not be taken into account any right to benefit resulting from that person's death.
- (6) For the purposes of this section—
 - (a) [not applied]
 - (b) [not applied];
 - (c) an industrial disablement gratuity shall be treated as benefit for the period taken into account by the assessment of the extent of the disablement in respect of which it is payable.

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 [Not applied]

6 Short title and commencement

(1) This Act may be cited as the Law Reform (Personal Injuries) Act, 1948.

(2) [Not applied]

Notes:

1. Please see www.legislation.gov.uk website for the original Act and subsequent amendments and then consider it in the light of extent of application noted above and the Principal Adaptive Provisions.

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