

REPUBLIC OF ZAMBIA

THE LAW REFORM (LIMITATION OF ACTIONS, ETC.) ACT

CHAPTER 72 OF THE LAWS OF ZAMBIA

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ARRANGEMENT OF SECTIONS

Section

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CHAPTER 72

LAW REFORM (LIMITATION OF ACTIONS, ETC.)

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.

[26th April, 1963]

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

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

3. In its application to the Republic, the Limitation Act, 1939, of the United Kingdom, is hereby amended as follows: Amendment of Limitation Act, 1939, as respects personal injury actions
 - (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.

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4. 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".

Amendment of Fatal Accidents Act, 1846

5. (1) This Act shall bind the Republic.

Application to 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. (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.

Transitional provisions

(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)