

STATUTORY DUTIES (CONTRIBUTORY NEGLIGENCE) ACT.

Act No. 1, 1945.

An Act to amend the law relating to liability in respect of breaches of duties imposed by statute. [Assented to, 19th February, 1945.] George VI.
No. 1, 1945.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Statutory Duties (Contributory Negligence) Act, 1945." Short title.

2. (1) Contributory negligence on the part of a person who has sustained personal injury shall not be a defence to an action for damages for that injury founded on a breach of a statutory duty imposed on the defendant for the benefit of a class of persons of which the person so injured was a member at the time the injury was sustained. Defence of contributory negligence excluded in certain cases.

(2) Subsection one of this section shall apply to and in respect of—

(a) every action of the character referred to in subsection one of this section which is brought after the commencement of this Act, whether the injury in respect of which the action is brought was sustained before or after such commencement; and

(b) every action of the character referred to in subsection one of this section which is pending at the commencement of this Act.