

**LAW REFORM (MISCELLANEOUS PROVISIONS)
AMENDMENT ACT, 1982, No. 4**

New South Wales



ANNO TRICESIMO PRIMO

ELIZABETHÆ II REGINÆ

Act No. 4, 1982.

An Act to amend the Law Reform (Miscellaneous Provisions) Act, 1944,
with respect to the damages recoverable under a cause of action which
survives the death of a person. [Assented to, 29th March, 1982.]

Law Reform (Miscellaneous Provisions) Amendment.

BE it enacted by the Queen'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:—

Short title.

1. This Act may be cited as the "Law Reform (Miscellaneous Provisions) Amendment Act, 1982".

Amendment of Act No. 28, 1944.

2. The Law Reform (Miscellaneous Provisions) Act, 1944, is amended by omitting section 2 (2) (a) and by inserting instead the following paragraph:—

(a) shall not include—

- (i) any exemplary damages; or
- (ii) any damages for the loss of the capacity of the person to earn, or for the loss of future probable earnings of the person, during such time after his death as he would have survived but for the act or omission which gives rise to the cause of action;

Saving.

3. Section 2 of the Law Reform (Miscellaneous Provisions) Act, 1944, as amended by this Act, applies to and in respect of causes of action arising before the commencement of this Act in the same way as it applies to and in respect of causes of action arising after that commencement, but section 2 (2) (a) (ii) of that Act, as so amended, has no operation in relation to causes of action in respect of which a court has given judgment, whether or not an appeal has been made against that judgment.
