Civil Liability Act 2002 No 22

Part 1 > Section 3B

3B Civil liability excluded from Act

(1) The provisions of this Act do not apply to or in respect of civil liability (and awards of damages in those proceedings) as follows:

(a) civil liability of a person in respect of an intentional act that is done by the person with intent to cause injury or death or that is sexual assault or other sexual misconduct committed by the person—the whole Act except:

(i) section 15B and section 18 (1) (in its application to damages for any loss of the kind referred to in section 18 (1) (c)), and

(ii) Part 7 (Self-defence and recovery by criminals) in respect of civil liability in respect of an intentional act that is done with intent to cause injury or death, and

(iii) Part 2A (Special provisions for offenders in custody),

(b) civil liability in proceedings of the kind referred to in section 11 (Claims for damages for dust diseases etc to be brought under this Act) of the Dust Diseases Tribunal Act 1989—the whole Act except sections 15A and 15B and section 18 (1) (in its application to damages for any loss of the kind referred to in section 18 (1) (c)),

(c) civil liability relating to an award of personal injury damages (within the meaning of Part 2) where the injury or death concerned resulted from smoking or other use of tobacco products—the whole Act except section 15B and section 18 (1) (in its application to damages for any loss of the kind referred to in section 18 (1) (c)),

(d) civil liability relating to an award to which Part 6 of the Motor Accidents Act 1988 applies—the whole Act except the provisions that subsection (2) provides apply to motor accidents,

(e) civil liability relating to an award to which Chapter 5 of the Motor Accidents Compensation Act 1999 applies (including an award to and in respect of which that Chapter applies pursuant to section 121 (Application of common law damages for motor accidents to railway and other public transport accidents) of the Transport Administration Act 1988)—the whole Act except the provisions that subsection (2) provides apply to motor accidents,

(e1) civil liability relating to an award to which Part 4 of the Motor Accident Injuries Act 2017 applies—the whole Act except the provisions that subsection (2) provides apply to motor accidents,

(f) civil liability relating to an award to which Division 3 of Part 5 of the Workers Compensation Act 1987 applies—the whole Act,
(g) civil liability for compensation under the *Workers Compensation Act 1987*, the *Workers Compensation (Bush Fire, Emergency and Rescue Services) Act 1987*, the *Workers’ Compensation (Dust Diseases) Act 1942* or the *Anti-Discrimination Act 1977* or a benefit payable under the *Sporting Injuries Insurance Act 1978*—the whole Act,

(h) civil liability for financial assistance for economic loss under the *Victims Rights and Support Act 2013*—the whole Act.

(2) The following provisions apply to motor accidents:

(a) Divisions 1–4 and 8 of Part 1A (Negligence),

(a1) section 15B (Damages for loss of capacity to provide domestic services), except in relation to a motor accident to which the *Motor Accident Injuries Act 2017* applies,

(b) section 15C (Damages for loss of superannuation entitlements), except in relation to a motor accident to which the *Motor Accident Injuries Act 2017* applies,

(c) section 17A (Tariffs for damages for non-economic loss),

(c1) section 18 (1) (in its application to damages for any loss of the kind referred to in section 18 (1) (c)),

(d) Division 7 (Structured settlements) of Part 2,

(e) Part 3 (Mental harm),

(f) section 49 (Effect of intoxication on duty and standard of care),

(g) Part 7 (Self-defence and recovery by criminals),

(h) Part 8 (Good samaritans).

(3) The regulations may exclude a specified class or classes of civil liability (and awards of damages in those proceedings) from the operation of all or any specified provisions of this Act. Any such regulation may make transitional provision with respect to claims for acts or omissions before the commencement of the regulation.