

# BILL

No of 1925

An Act to make Uniform the Law respecting the Liability of the Parties in an Action for Damages for Negligence where both Parties are in Fault.

(Assented to , 1925.)

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

**1.** This Act may be cited as "*The Contributory Negligence Act.*"

**2.** Where by the fault of two persons damage or loss is caused to one or both of them, the liability to make good the damage or loss shall be in proportion to the degree in which each person was at fault:

Provided that—

- (a) If, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally; and
- (b) Nothing in this section shall operate so as to render any person liable for loss or damage to which his fault has not contributed.

**3.** In actions tried with a jury the amount of damage, the fault, if any, and the degrees of fault shall be determined by the jury.

**4.** Unless the judge otherwise directs the liability for costs of both parties shall be in the same proportion as the liability to make good the loss or damage.

**5.** This Act shall be so interpreted and construed as to effect its general purpose of making uniform the law of those provinces which enact it.

**6.** This Act shall come into force on a date to be fixed by the Lieutenant Governor by his Proclamation.

No.

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FIFTH SESSION  
 FIFTH LEGISLATURE  
 15 GEORGE V  
 1925

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Received and read the

First time.....

Second time.....

Third time.....

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HON. MR. BROWNLEE.

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EDMONTON:  
J. W. JEFFERY, KING'S PRINTER  
A.D. 1925