Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 17 *of* 1964

CIVIL LIABILITY (AMENDMENT) ACT 1964

REVISED

Updated to 21 May 2020

This Revised Act is an administrative consolidation of the *Civil Liability (Amendment) Act 1964*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), enacted 27 March 2020, and all statutory instruments up to and including *Bovine Viral Diarrhoea (Amendment) Regulations 2020* (S.I. No. 182 of 2020), made 21 May 2020, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Principal Act 1961, No. 41.
2. Sums not to be taken into account in assessing damages (personal injury not causing death).
3. Amendment of section 27 of Principal Act.
4. Amendment of section 35 (2) of Principal Act.
5. Amendment of section 36 of Principal Act.
6. Repeals.
7. Short title, construction and collective citation.

SCHEDULE

Number 17 *of* 1964.

CIVIL LIABILITY (AMENDMENT) ACT 1964

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AN ACT TO AMEND AND EXTEND THE CIVIL LIABILITY ACT, 1961. [7*th July*, 1964.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Principal Act 1961, No. 41.

1.—In this Act "the Principal Act" means the Civil Liability Act, 1961.

Sums not to be taken into account in assessing damages (personal injury not causing death).

2.—In assessing damages in an action to recover damages in respect of a wrongful act (including a crime) resulting in personal injury not causing death, account shall not be taken of—

(*a*) any sum payable in respect of the injury under any contract of insurance,

(*b*) any pension, gratuity or other like benefit payable under statute or otherwise in consequence of the injury.

F1**[**(2) In assessing damages in an action to recover damages in respect of a wrong resulting in personal injury not causing death, account shall not be taken of any charitable gift (whether in the form of money or other property) made to the plaintiff in respect of those injuries unless—

(*a*) the defendant is the donor of the gift, and

(*b*) (i) at the time of the making of the gift he or she informs the plaintiff in writing that, should the plaintiff recover damages in such an action, the defendant will apply to the court for the damages to be reduced by an amount equal to the amount of the gift or the value of the gift, as may be appropriate, or

(ii) in the case of a plaintiff who is employed by the defendant, the gift consists of a series of payments that resemble, in amount and frequency, the normal remuneration that the plaintiff would be entitled to receive from the defendant in the course of his or her employment.**]**

Annotations

Amendments:

F1 Inserted (31.03.2005) by *Civil Liability and Courts Act 2004* (31/2004), s. 27(2), S.I. No. 544 of 2004, subject to transitional provisions in s. 6 and subsection s. 27(3).

Modifications (not altering text):

C1 Application of section restricted (1.08.2014) by *Social Welfare Consolidation Act 2005* (26/2005), s. 343M(4), inserted by *Social Welfare and Pensions Act 2013* (38/2013), s. 13(d), S.I. No. 308 of 2014.

Part 11B

Recovery of Certain Benefits and Assistance

...

Application of Part

343M. ...

(4) This Part applies notwithstanding section 2 of the Civil Liability (Amendment) Act 1964 .

...

C2 Application of section restricted (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), ss. 96, and 286, S.I. No. 923 of 2005.

Taking account of benefit in assessing damages.

96.—(1) Notwithstanding section 2 of the Civil Liability (Amendment) Act 1964 and section 285, in an action for damages for personal injuries (including any such action arising out of a contract) there shall in assessing those damages be taken into account, against any loss of earnings or profits which has accrued or probably will accrue to the injured person from the injuries, the value of any rights which have accrued or will probably accrue to him or her therefrom in respect of injury benefit (disregarding any right in respect of injury benefit payable by virtue of section 248, after the death of the injured person) or disablement benefit (disregarding any increase of that benefit under section 78 in respect of constant attendance) for 5 years beginning with the time when the cause of action accrued.

...

Taking account of disability benefit and invalidity pension in assessing certain damages.

286.—(1) Notwithstanding section 2 of the Civil Liability (Amendment) Act 1964 and section 285, in assessing damages in any action in respect of liability for personal injuries not causing death relating to the use of a mechanically propelled vehicle, there shall be taken into account the value of any rights arising from those injuries which have accrued, or are likely to accrue, to the injured person in respect of disability benefit or invalidity pension under *Part 2* for 5 years beginning with the time when the cause of action accrued.

...

C3 *Civil Liability and Courts Act 2004* (31/2004), s. 27(2) states (31.03.2005) that section 2 as it stood immediately before the commencement of subsection (2) shall be referred to as subsection (1) of section 2, S.I. No. 544 of 2004.

Editorial Notes:

E1 Previous affecting provision: application of section restricted (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993) ss. 75 and 237, S.I. No. 335 of 1993; repealed (1.12.2005) by *Social Welfare Consolidation Act 2005* (26/2005), s. 360 and sch. 7, S.I. No. 923 of 2005.

E2 Previous affecting provision: application of section restricted (28.02.1981) by *Social Welfare (Consolidation) Act, 1981* (1/1981), s. 68, and s. 306A (as inserted (30.03.1984) by *Social Welfare Act 1984* (5/1984), s. 12(1), S.I. No. 63 of 1981), S.I. No. 63 of 1981; repealed (16.11.1993) by *Social Welfare (Consolidation) Act 1993* (27/1993), s. 300 and sch. 5, S.I. No. 335 of 1993.

E3 Previous affecting provision: application of section restricted (27.06.1974) by *Social Welfare (No. 2) Act 1974* (14/1974), s. 21, commenced on enactment; repealed (28.02.1981) by *Social Welfare (Consolidation) Act 1981* (1/1981), s. 310 and sch. 6 pt. 2, S.I. No. 63 of 1981.

E4 Previous affecting provision: application of section restricted (16.07.1966) by *Social Welfare (Occupational Injuries) Act 1966*, (16/1966), s. 39, commenced on enactment; repealed (27.06.1974) by *Social Welfare (No. 2) Act 1974* (14/1974), s. 21(1)(u), commenced on enactment.

Amendment of section 27 of Principal Act.

3.—Section 27 of the Principal Act is hereby amended by the addition of the following subsection:

" (5) A claim may be made or a notice may be served pursuant to subsection (1) of this section notwithstanding that the person making the claim or serving the notice denies or does not admit that he is a wrongdoer, and the making of the claim or serving of the notice shall not be taken as implying any admission of liability by him."

Amendment of section 35 (2) of Principal Act.

4.—Subsection (2) of section 35 of the Principal Act is hereby amended by the insertion of ", subject to paragraph (a) of subsection (1) of this section," before "neither".

Amendment of section 36 of Principal Act.

5.—Section 36 of the Principal Act is hereby amended by the addition of the following subsection:

" (5) Notwithstanding anything in section 62, where a claim is made against a person who is insured in respect of a liability alleged in that claim and the claim is not paid by the insurer by reason of its being set off in full against a sum owed to the insured by the person making such claim, the insured or any person representing or deriving title under him shall be entitled to recover from the insurers the amount of such claim."

Repeals.

6.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, construction and collective citation.

7.—(1) This Act may be cited as the Civil Liability (Amendment) Act, 1964.

(2) The Principal Act and this Act shall be construed together as one Act and may be cited together as the Civil Liability Acts, 1961 and 1964.

Section 6.

SCHEDULE

Enactments Repealed

Number and Year	Short Title	Extent of Repeal
No. 6 of 1957.	Statute of Limitations, 1957.	Paragraph (*a*) of subsection (4) of section 49.
No. 41 of 1961.	Civil Liability Act, 1961.	Paragraph (*c*) of subsection (1) of section 40; paragraph (*d*) of subsection (1) of section 49.

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CIVIL LIABILITY (AMENDMENT) ACT 1964

REVISED

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About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Civil Liability Acts 1961 to 2017: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Civil Liability (Amendment) Act 2017*, s. 1(2)). The Acts in the group are:

- *Civil Liability Act 1961* (41/1961)
- *Civil Liability (Amendment) Act 1964* (17/1964)
- *Civil Liability and Courts Act 2004* (31/2004), Part 2
- *Civil Liability (Amendment) Act 2017* (30/2017), Part 2

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Social Welfare Consolidation Act 2005* (26/2005)
- *Civil Liability and Courts Act 2004* (31/2004)
- *Social Welfare (Consolidation) Act 1993* (27/1993)
- *Social Welfare (Consolidation) Act 1981* (1/1981)
- *Social Welfare (No. 2) Act 1974* (14/1974)
- *Social Welfare (Occupational Injuries) Act 1966* (16/1966)

All Acts up to and including *Emergency Measures in the Public Interest (Covid-19) Act 2020* (2/2020), enacted 27 March 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

None.

All statutory instruments up to and including *Bovine Viral Diarrhoea (Amendment) Regulations 2020* (S.I. No. 182 of 2020), made 21 May 2020, were considered in the preparation of this revision.