And whereas the Army Act and the Air Force Act will expire with the thirty-first day of July, nineteen hundred and fifty-four:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1954.

Army Act and Air Force Act to be in force for specified time.

2.—(1) The Army Act and the Air Force Act shall be and remain in force from the first day of August, nineteen hundred and fifty-four to the thirty-first day of July, nineteen hundred and fifty-five, both inclusive, and no longer unless otherwise provided by Parliament.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject, as the case may be, to military law or to the Air Force Act wherever they may be.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or the Air Force Act by reason only that the numbers of the forces for the time being in the service of Her Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

CHAPTER 36

Law Reform (Limination of Actions, &c.) Act, 1954

ARRANGEMENT OF SECTIONS

Section
1. Repeal of Public Authorities Protection Act, 1893, and other enactments.
2. Amendment of Limitation Act, 1939, as respects personal injury actions.
3. Amendment of Fatal Accidents Act, 1846.
4. Amendment as to proceedings on causes of action surviving against estates of deceased persons.
5. Application to the Crown.
6. Further provisions as to limitation of actions in Scotland.
7. Transitional provisions.
8. Short title, extent and repeals.

SCHEDULE.

An Act to assimilate, in certain respects and subject to certain exceptions and special provisions, the law applicable to proceedings against public authorities (including the Crown) and persons acting in pursuance or execution or intended execution of enactments to that applicable in other cases; to amend the law as to the time limited for bringing legal proceedings and as to the survival of causes of action against the estates of deceased persons; and for purposes connected with the matters aforesaid. [4th June, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Repeal of Public Authorities Protection Act, 1893, and other enactments.

1. The following enactments (being enactments providing special periods of limitation for, or other privileges for the defendants in, legal proceedings against public authorities or persons acting in pursuance or execution or intended execution of Acts), that is to say—

(*a*) the Public Authorities Protection Act, 1893;

(*b*) section twenty-one of the Limitation Act, 1939;

(*c*) subsections (1) and (2) of section forty-nine of the Coal Industry Nationalisation Act, 1946, section seventeen of the New Towns Act, 1946, section eleven of the Transport Act, 1947, section twelve of the Electricity Act, 1947, section fourteen of the Gas Act, 1948, and section three of the Air Corporations Act, 1953; and

(*d*) subsections (1) and (2) of section one hundred and seventy of the Army Act (both as originally enacted and as extended by subsection (5) of section thirteen of the Visiting Forces Act, 1952) and subsections (1) and (2) of section one hundred and seventy of the Air Force Act,

are hereby repealed.

Amendment of Limitation Act, 1939, as respects personal injury actions.

2.—(1) At the end of subsection (1) of section two of the Limitation Act, 1939 (which subsection provides, amongst other things, that there shall be a limitation period of six years for actions founded on simple contract or on tort) the following proviso shall be inserted—

"Provided that, in the case of actions for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any

person, this subsection shall have effect as if for the reference to six years there were substituted a reference to three years."

(2) At the end of section twenty-two of the Limitation Act, 1939 (which, in certain cases where the person to whom a right of action has accrued was under a disability, extends the period of limitation until six years from the date when the disability ceased or the person died, whichever event first occurred) there shall be added the following subsection—

"(2) In the case of actions for damages for negligence, nuisance or breach of duty (whether the duty exists by virtue of a contract or of provision made by or under a statute or independently of any contract or any such provision) where the damages claimed by the plaintiff for the negligence, nuisance or breach of duty consist of or include damages in respect of personal injuries to any person,—

(*a*) the preceding provisions of this section shall have effect as if for the words 'six years' there were substituted the words 'three years'; and

(*b*) this section shall not apply unless the plaintiff proves that the person under the disability was not, at the time when the right of action accrued to him, in the custody of a parent."

(3) In subsection (1) of section thirty-one of the Limitation Act, 1939, after the definitions of "personal estate" and "personal property" there shall be inserted the following definition—

"'personal injuries' includes any disease and any impairment of a person's physical or mental condition".

Amendment of Fatal Accidents Act, 1846.

3. In section three of the Fatal Accidents Act, 1846 (which provides that actions under that Act shall be commenced within twelve calendar months after the death of the deceased person) for the words "twelve calendar months" there shall be substituted the words "three years".

Amendment as to proceedings on causes of action surviving against estates of deceased persons.

4. In section one of the Law Reform (Miscellaneous Provisions) Act, 1934 (which provides, amongst other things, for the survival, with certain exceptions, of all causes of action against a deceased person's estate), so much of subsection (3) as provides that proceedings in respect of causes of action in tort which by virtue of that section survive against the estate of a deceased person are not to be maintainable unless the cause of action arose not earlier than six months before the death of the deceased is hereby repealed.

Application to the Crown.

5.—(1) This Act shall bind the Crown.

(2) Section eight of the Maritime Conventions Act, 1911 (which relates to the limitation of actions in respect of damage or loss caused to or by vessels and the limitation of actions in respect of salvage services) shall apply in the case of all Her Majesty's ships as it applies in the case of other ships, and accordingly,

in subsection (1) of section thirty of the Crown Proceedings Act, 1947, the words " except in the case of proceedings in respect of any alleged fault of a ship of war or a ship for the time being appropriated to the service of the armed forces of the Crown or to the service of the Post Office " are hereby repealed.

(3) No proceedings shall lie against the Crown under subsection (2) of section nine of the Crown Proceedings Act, 1947 (which authorises the taking of proceedings against the Crown in respect of loss of or damage to registered inland postal packets) unless the proceedings are begun within the twelve months beginning with the date on which the packet in question was posted.

(4) In the application of this section to Northern Ireland, the references therein to subsection (1) of section thirty and subsection (2) of section nine of the Crown Proceedings Act, 1947, shall be construed as references to those subsections as they apply in Northern Ireland in relation to Her Majesty's Government in the United Kingdom.

Further provisions as to limitation of actions in Scotland.

6.—(1) No action of damages where the damages claimed consist of or include damages or solatium in respect of personal injuries to any person shall be brought in Scotland against any person unless it is commenced—

(*a*) in the case of an action brought by or on behalf of a person in respect of injuries sustained by that person, before the expiration of three years from the date of the act, neglect or default giving rise to the action or, where such act, neglect or default was a continuing one, from the date on which the act, neglect or default ceased;

(*b*) in the case of an action brought by or on behalf of a person to whom a right of action has accrued on the death of another person in consequence of injuries sustained by that other person, before the expiration of three years from the date of that death:

Provided that for the purposes of paragraph (*b*) of this subsection a right of action shall be deemed not to have accrued to a person on the death of another person by whom injuries have been sustained if that other person or someone on his behalf was not, immediately before his death, himself entitled to bring an action in respect of the injuries.

(2) If on the date when any right of action accrued for which a period of limitation is prescribed by the foregoing subsection the person to whom it accrued was under legal disability by reason of pupilarity or minority or of unsoundness of mind and was not in the custody of a parent, the action may be brought at any time before the expiration of three years from the date when the person ceased to be under disability, notwithstanding that the period of limitation has expired.

For the purposes of this subsection " parent " includes a step-parent and a grand-parent and in deducing any relationship

an illegitimate person and a person adopted in pursuance of any enactment shall be treated as the legitimate child of his mother or, as the case may be, of his adoptor.

(3) In this section the expression " personal injuries " includes any disease and any impairment of a person's physical or mental condition.

(4) In addition to the enactments specified in section one of this Act, the following enactments (being enactments providing special periods of limitation in Scotland for certain legal proceedings against public authorities) that is to say—

(*a*) section four of the Malicious Damage Act, 1812, and section three of the Malicious Damage (Scotland) Act, 1816, in so far as they limit the period within which proceedings may be commenced;

(*b*) section fifteen of the Riotous Assemblies (Scotland) Act, 1822;

(*c*) section one hundred and sixty-six of the Public Health (Scotland) Act, 1897, in so far as it limits the period within which proceedings may be commenced; and

(*d*) section seventy of the National Health Service (Scotland) Act, 1947, in so far as it limits the period within which proceedings may be commenced,

are hereby repealed.

Transitional provisions.

7.—(1) The time for bringing proceedings in respect of a cause of action which arose before the passing of this Act shall, if it has not then already expired, expire at the time when it would have expired apart from the provisions of this Act or at the time when it would have expired if all the provisions of this Act had at all material times been in force, whichever is the later.

(2) The repeal effected by this Act in subsection (3) of section one of the Law Reform (Miscellaneous Provisions) Act, 1934, shall, in the case of a person dying after the passing of this Act, apply as well in relation to causes of action arising before, as in relation to causes of action arising after, the passing thereof.

(3) Save as aforesaid, nothing in this Act shall affect any action or proceeding if the cause of action arose before the passing thereof.

Short title, extent and repeals.

8.—(1) This Act may be cited as the Law Reform (Limitation of Actions, &c.) Act, 1954.

(2) Section five of this Act, and so much of this Act as repeals provisions of the Army Act and the Air Force Act, extend to Northern Ireland, but, save as aforesaid, this Act extends to Great Britain only.

(3) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

Section 8.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
52 Geo. 3. c. 130.	The Malicious Damage Act, 1812.	In section four, from the words "Provided also that" to the words "after such offence shall be committed".
56 Geo. 3. c. 125.	The Malicious Damage (Scotland) Act, 1816.	In section three, from the words "Provided also that" to the words "after such offence shall be committed".
3 Geo. 4. c. 33	The Riotous Assemblies (Scotland) Act, 1822.	Section fifteen.
44 & 45 Vict. c. 58.	The Army Act ...	Subsections (1) and (2) of section one hundred and seventy.
56 & 57 Vict. c. 61.	The Public Authorities Protection Act, 1893.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	In section one hundred and sixty-six, from the words "and every action" to the words "shall have arisen".
7 & 8 Geo. 5.	The Air Force Act ...	Subsections (1) and (2) of section one hundred and seventy.
24 & 25 Geo. 5. c. 41.	The Law Reform (Miscellaneous Provisions) Act, 1934.	In paragraph (*b*) of subsection (3) of section one, the words "the cause of action arose not earlier than six months before his death and".
2 & 3 Geo. 6. c. 21.	The Limitation Act, 1939.	Section twenty-one; in section twenty-two, the words "or in the case of actions to which the last foregoing section applies, one year" and paragraph (*d*) of the proviso; and the proviso to section thirty-two.
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act, 1946.	Subsections (1) and (2) of section forty-nine.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	Section seventeen.
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	In section seventy, paragraph (*b*).
10 & 11 Geo. 6. c. 44.	The Crown Proceedings Act, 1947.	In subsection (1) of section thirty, from the words "except in the case of" to the words "the service of the Post Office", subsection (2) of that section, and section forty-eight.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947.	Section eleven.
10 & 11 Geo. 6. c. 54.	The Electricity Act, 1947.	Section twelve.
11 & 12 Geo. 6. c. 67.	The Gas Act, 1948 ...	Section fourteen.
2 & 3 Eliz. 2. c. 7.	The Air Corporations Act, 1953.	Section three.

Table of Statutes referred to in this Act.

Short Title	Session and Chapter
Malicious Damage Act, 1812	52 Geo. 3. c. 130.
Malicious Damage (Scotland) Act, 1816...	56 Geo. 3. c. 125.
Riotous Assemblies (Scotland) Act, 1822...	3 Geo. 4. c. 33.
Fatal Accidents Act, 1846	9 & 10 Vict. c. 93.
Army Act	44 & 45 Vict. c. 58.
Public Authorities Protection Act, 1893...	56 & 57 Vict. c. 61.
Public Health (Scotland) Act, 1897 ...	60 & 61 Vict. c. 38.
Maritime Conventions Act, 1911 ...	1 & 2 Geo. 5. c. 57.
Air Force Act	7 & 8 Geo. 5.
Law Reform (Miscellaneous Provisions) Act, 1934	24 & 25 Geo. 5. c. 41.
Limitation Act, 1939	2 & 3 Geo. 6. c. 21.
Coal Industry Nationalisation Act, 1946	9 & 10 Geo. 6. c. 59.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Visiting Forces Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 67.
Air Corporations Act, 1953	2 & 3 Eliz. 2. c. 7.

CHAPTER 37

An Act to provide for pensions and other superannuation benefits in respect of service as president of the Industrial Court. [4th June, 1954]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Pension for service as president of industrial court.

9 & 10 Geo. 5. c. 69.

1.—(1) The Minister of Labour and National Service (hereinafter referred to as " the Minister ") may from time to time make to the Treasury, as respects any holder of the office of president of the Industrial Court constituted under the Industrial Courts Act, 1919, a recommendation that the Treasury shall pay to him an annual sum by way of superannuation allowance on his retirement after not less than five years' relevant service:

Provided that no such allowance shall be payable if the person to whom the recommendation relates (hereinafter referred to as " the pensioner ") retires before attaining the age of sixty-five