



Province of Alberta

TORT-FEASORS ACT

Revised Statutes of Alberta 2000
Chapter T-5

Current as of October 1, 2005

Office Consolidation

© Published by Alberta Queen's Printer

Alberta Queen's Printer
7th Floor, Park Plaza
10611 - 98 Avenue
Edmonton, AB T5K 2P7
Phone: 780-427-4952
Fax: 780-452-0668

E-mail: qp@gov.ab.ca
Shop on-line at www.qp.alberta.ca

Copyright and Permission Statement

Alberta Queen's Printer holds copyright on behalf of the Government of Alberta in right of Her Majesty the Queen for all Government of Alberta legislation. Alberta Queen's Printer permits any person to reproduce Alberta's statutes and regulations without seeking permission and without charge, provided due diligence is exercised to ensure the accuracy of the materials produced, and Crown copyright is acknowledged in the following format:

© Alberta Queen's Printer, 20__.*

*The year of first publication of the legal materials is to be completed.

Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

TORT-FEASORS ACT

Chapter T-5

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation

1(1) In this Act, “parent” and “child” have the same meanings as they have for the purposes of the *Fatal Accidents Act*.

(2) In this Act, the reference to “the judgment first given”

- (a) shall, in a case where a judgment is reversed on appeal, be construed as a reference to the judgment first given that is not so reversed, and
- (b) is, in a case where a judgment is varied on appeal, to be construed as a reference to that judgment as so varied.

RSA 1980 cT-6 s1

Application of Act

2 Nothing in this Act

- (a) affects any proceedings against any person for a penalty or forfeiture under any Act of the Legislature in respect of any wrongful act, or
- (b) renders enforceable any agreement for indemnity that would not have been enforceable if this Act had not been passed.

RSA 1980 cT-6 s2

Loss of consortium through injury

2.1(1) When a person has, either intentionally or by neglect of some duty existing independently of contract, inflicted physical harm on a married person and thereby deprived the spouse of that married person of the society and comfort of that married person,

the person who inflicted the physical harm is liable in an action for damages by the spouse or in respect of the deprivation.

(2) The right of a spouse to bring the action referred to in subsection (1) is in addition to, and independent of, any right of action that the married person has, or any action that the spouse in the name of the married person has, for injury inflicted on the married person.

2003 cF-4.5 s125

Damage suffered as result of tort

3(1) When damage is suffered by any person as a result of a tort, whether a crime or not,

- (a) a judgment recovered against any tort-feasor liable in respect of that damage is not a bar to an action against any other person who would, if sued, have been liable as a joint tort-feasor in respect of the same damage,
- (b) if more than one action is brought in respect of that damage
 - (i) by or on behalf of the person by whom it was suffered, or
 - (ii) for the benefit of the estate, or of the spouse or adult interdependent partner, parent or child of that person,

against tort-feasors liable in respect of the damage, whether as joint tort-feasors or otherwise, the sums recoverable under the judgments given in those actions by way of damages shall not in the aggregate exceed the amount of the damages awarded by the judgment first given, and in any of those actions, other than that in which judgment is first given, the plaintiff is not entitled to costs unless the court is of the opinion that there was reasonable ground for bringing the action, and

- (c) any tort-feasor liable in respect of that damage may recover contribution from any other tort-feasor who is or would, if sued, have been liable in respect of the same damage, whether as a joint tort-feasor or otherwise, but no person is entitled to recover contribution under this section from any person entitled to be indemnified by the person first mentioned in respect of the liability regarding which the contribution is sought.

(2) In any proceedings for contribution under this section, the amount of the contribution recoverable from any person shall be an

amount that the court finds to be just and equitable having regard to the extent of that person's responsibility for the damage.

(3) The court has power

- (a) to exempt any person from liability to make contribution,
or
- (b) to direct that the contribution to be recovered from any
person shall amount to a complete indemnity.

RSA 2000 cT-5 s3;2002 cA-4.5 s77



Printed on Recycled Paper 